Calendar No. 603

97TH CONGRESS
2d Session

SENATE

REPORT
No. 97-421

FEDERAL-AID HIGHWAY ACT OF 1982

REPORT

OF THE

COMMITTEE ON
ENVIRONMENT AND PUBLIC WORKS
UNITED STATES SENATE

together with

ADDITIONAL VIEWS

TO ACCOMPANY

S. 2574

MAY 26 (legislative day MAY 25), 1982.—Ordered to be printed

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Mr. SYMMS, from the Committee on Environment and Public Works, submitted the following

REPORT

together with

ADDITIONAL VIEWS

[To accompany S. 2574]

The Committee on Environment and Public Works, reports an original bill (S. 2574), to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes and recommends that the bill do pass.

GENERAL STATEMENT

The Environment and Public Works Committee unanimously approved the Federal-Aid Highway Act of 1982. This bill provides multi-year authorizations for the Federal-aid highway program for fiscal years 1983 through 1986. The Committee believes that large construction programs like the highway program must have stable, long-term sources of funding in order for the States to do proper planning. This legislation provides the maximum level of funding possible without an increase of revenues into the Highway Trust Fund. Authorizations include $8.6 billion in fiscal year 1983, $9.7 billion in fiscal years 1984 and 1985, and $10.15 billion in fiscal year 1986.

The provisions in the highway legislation reported by the Committee complement legislation considered by the Committee last year which became Public Law 97-134, the Federal-Aid Highway Act of 1981. The 1981 Act recognized that completion of the Interstate System is a high priority. However, the 1981 estimated cost to complete the remaining five percent of the Interstate System and additional

work on open-to-traffic segments was $53.8 billion. At that rate, the cost of completing the remaining portions would exceed monies spent on the initial 95 percent of the System already built. Much of the existing system is in urgent need of rehabilitation.

The Federal-Aid Highway Act of 1981 defined what is necessary for a connected, serviceable Interstate System which adequately provides for mobility, promotes interstate commerce and serves the national defense. It also provided for completion of the System in a reasonable amount of time, at a reasonable cost, and recognized the need to shift resources to preserve the Federal Government's capital investment.

The 1981 Act also expanded the existing Interstate 3R program by adding a fourth R, reconstruction, and by including those items no longer eligible for Interstate construction funds. Funding for this program was increased by almost 300 percent. When the Interstate Highway System was conceived, the intent was for the Federal Government to provide the major capital outlay to construct the System and the States would then have the responsibility for maintaining it. As a significant portion of the System reaches its design life, it has become evident that States do not have the resources to do both the major reconstruction work that now needs to be done on the Interstate System and maintain the other Federal-aid systems at an adequate level of service.

Building on the accomplishments of the 1981 Highway Act, the Committee considered highway legislation again this year. Authorizations for most of the categories of the Federal-aid highway program will expire on September 30, 1982. An extension of the Highway Trust Fund and an extension of the excise taxes accruing into the Fund must also be done this year in order to authorize the highway program beyond fiscal year 1982.

In addition to the extensive record compiled on the highway program by the Committee last year during hearings in Washington and throughout the country, the Committee held a hearing on the budget of the Federal Highway Administration, an oversight hearing on the Bridge Replacement and Rehabilitation program and a full day of hearings on S. 2315, the Federal-Aid Highway Act of 1982.

It was evident from testimony received during these hearings that rising construction costs—a significant portion of which is inflation—have severely reduced the ability of States to construct and adequately maintain the Nation's highway system. At the same time this is occurring, much of the Interstate System is reaching its design life and requires major rehabilitation, many of the bridges in this country were built 40 to 50 years ago and need major repairs or replacement, and most of the other Federal-aid systems will require repaving or reconstruction during the next 15 years.

At both the State and Federal levels, revenues dedicated for use on the highway system have been declining because of more fuel efficient vehicles and reduced gasoline consumption. According to information recently released by the Federal Highway Administration, motorists traveled 1.164 trillion miles during the first nine months of 1981. This is an increase of 2.6 percent, or 30 billion more miles than were traveled during the same period in 1980. At the same time, motorists used 1.8 billion gallons less gasoline in traveling those 1.1 trillion

miles. While this is a welcome achievement in fuel economy, it means a reduction in revenues coming into the Highway Trust Fund.

In view of declining revenues and increasing needs, most of the States considered measures to raise additional revenues for their highway program during the past two years. At the Federal level, careful consideration must be given to what role the Federal government should have in this program and what responsibilities can be best carried out at the State and local level. Once this determination is made, the Federal Government must provide adequate revenues to carry out these responsibilities.

The Committee believes the Federal interest lies first in completing the Interstate System as quickly as possible, and preserving the capital investment made in that System by the Federal government. The Primary program is also important in providing mobility and aiding interstate commerce. Bridges represent a critical need which must be addressed. Of lesser Federal interest are the Rural, Urban and Safety programs.

This legislation also provides a more flexible, stream-lined highway program which will give the States maximum flexibility in directing funds to their own highest priority highway projects.

Several small safety categorical grant programs, including Hazard Elimination, Pavement Marking, FHWA 402 Safety Grants, Highway-Railway Crossings, and Rail Relocation Demonstration Projects are consolidated into the Highway Safety Improvement Program. This will allow the States to determine the areas of safety which need particular attention in their own State.

A number of other small categorical grant programs have been eliminated and all projects in these categories are eligible for funding under the various larger Federal-aid categories. These include Economic Growth Center Development Highways, Great River Road, Safer-Off System Roads, Access Highways, Bicycle Program and the Priority Primary Program.

Along with providing flexibility to the States by creating broader categories, the Committee recognizes the need to reduce Federal red tape which cause delays and added construction costs, and believes that the Congress and the Department of Transportation should continue to review how this can best be done without adverse effects on the environment.

During the past few years, attempts to balance the Federal budget in order to improve the economy have also had an impact on the Federal-aid highway program in spite of the fact that the program is funded through the Highway Trust Fund from dedicated user fees.

The program level was reduced in fiscal year 1982 by $750 million recognizing that Federal spending must be reduced. The President's budget for fiscal 1983 requested a further reduction of $500 million. The Committee believes, however, that further reductions in this program at this time would be counterproductive. The deterioration of the Nation's highway system has been well documented, both by studies of the Department of Transportation, and through hearings held by the Subcommittee on Transportation. Unless steps are taken to stop this alarming rate of deterioration, even larger amounts of Federal funds will be required to replace the capital investment already made in our highway system.

Though the funding levels contained in this bill had very strong support within the Environment and Public Works Committee, there was major concern among Committee members that action taken in other committees would preclude the ability to fund highway programs at the Committee's recommended level.

Of specific concern was the action being taken by the Senate Budget Committee to freeze all federal spending at current fiscal year baseline levels. Such a freeze would set fiscal year 1983 highway spending at already artificially low levels because of prior years' budget reductions. In addition, a freeze could preclude the future spending of additional monies that might result from increases in highway trust fund revenues.

These concerns were raised and discussed during Budget Committee debate on the fiscal year 1983 budget. As a result of this discussion it became clear the Budget Committee agreed that a special exception needed to be made for the highway and other trust funded programs. Because of this, language was included in the Budget Committee report stating that regardless of other provisions, spending levels in the transportation function would not preclude an obligation ceiling of $8.2 billion for highway programs. Additional report language further clarified this matter by stating that future obligation ceilings may be adjusted as a result of higher levels of trust fund receipts.

The Committee believes that the Highway Trust Fund should be extended. The Department of Transportation is now completing a Cost Allocation Study which is to be submitted to Congress. The Committee believes the entire financing structure of the Highway Trust Fund should be reviewed when that report is received. This includes a review of how the taxes are distributed among the various user classes, the ability of the States to raise additional revenues, and whether additional revenues should be raised at the Federal level. If it is the decision of Congress and the President to increase the highway user fees, the Committee believes the authorization levels in this legislation should be adjusted accordingly.

Major Provisions

INTERSTATE SYSTEM RESURFACING APPORTIONMENT

The Interstate Resurfacing, Restoring and Rehabilitation program funds have been apportioned on the basis of 75 percent lane miles and 25 percent vehicle miles traveled (VMT). The Committee recognized last year that vehicle miles traveled is a major indicator of highway use and related to highway deterioration, and therefore adjusted the apportionment formula to 60 percent lane miles and 40 percent vehicle miles traveled in legislation it considered last year.

The legislation considered by the Committee last year also expanded the Interstate 3R program by adding a fourth R—reconstruction. The compromise agreement of the House and Senate legislation further adjusted the apportionment formula to 55 percent lane miles and 45 percent VMT. S. 2315, the Federal-Aid Highway Act of 1982, included a provision to apportion the Interstate 4R funds on the basis of 60 percent lane miles and 40 percent VMT. The Committee has received testimony stating that other factors also affect deterioration on the Interstate System. With the increasing authorization levels for the expanded Interstate 4R program, the Committee believes it is very important that careful consideration be given to the Interstate 4R apportionment and that decisions made regarding this formula are based on the best information available before significant changes are made to this formula.

For this reason, the Committee is directing the Department of Transportation to undertake a study to analyze conditions and factors which contribute to the deterioration of the highway system. Such factors should include volume and mix of traffic, weight and size of vehicles, environmental, geographical, and meterological conditions in various States and any other factors that may contribute to the deterioration of the Interstate System.

The Secretary should also consider such criteria as need, national importance, impact on individual State highway programs, structural and operational integrity, and any other relevant criteria, to determine an equitable method of distribution.

The study should also include an analysis regarding the availability of such information, and the ability to incorporate such information into an apportionment formula.

The Secretary is directed to report the results of the study along with legislative recommendations to the Congress no later than 6 months after the date of enactment of this provision.

BRIDGE REPLACEMENT AND REHABILITATION PROGRAM

Following the collapse of the Silver Bridge across the Ohio River in the late 1960's, the Congress undertook to correct the problem of deteriorating bridges. In 1970 the Congress enacted the bridge replace-

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ment and rehabilitation program. This program continues to be an important element in our Federal-Aid Highway Program. In its Third Annual Report to Congress on the Bridge Program, the Department of Transportation estimated that it will cost over $47 billion to replace and rehabilitate all the deficient bridges in this country. Approximately one-half that cost is for rehabilitation and replacement of on-system bridges and one-half for off-system bridges.

Section 104(a)(6) provides an authorization of $1.0 billion for the Bridge Program in fiscal 1983 and then increases authorizations to $1.3 billion in fiscal years 1984 through 1986. The Discretionary Bridge Program would continue to be funded at $200 million per year through 1986.

The Department of Transportation has undertaken a National Bridge Inventory to fully document our national bridge needs. The inventory of on-system bridges has been completed by all States, while the off-system inventory is 98 percent complete.

Under the amendments made by Section 115, funds for the Bridge Program will be apportioned on the following basis. All deficient bridges will be divided into four categories: (1) Federal-aid system bridges and bridges on public roads functionally classified as major collectors eligible for replacement, (2) Federal-aid system bridges and bridges on public roads functionally classified as major collectors eligible for rehabilitation, (3) Off-system bridges eligible for replacement, and (4) Off-system bridges eligible for rehabilitation. Recognizing a greater Federal responsibility for bridges on Federal-aid System, the square footage of deficient Federal-aid system bridges, and bridges on public roads functionally classified as major collectors, both those eligible for replacement and those eligible for rehabilitation, are multiplied by a factor of two. The square footage of deficient bridges in each category is multiplied by a national average unit cost on a State-by-State basis, and the total cost in each State is divided by the total cost of the nation's deficient bridges to yield the apportionment factors. No State will receive less than one-quarter of one percent nor more than nine and one quarter percent of the annual apportionment. Funds are available to the States during the year in which they are apportioned and for three additional years.

Section 115(b) addresses the Jamestown Bridge construction project in Rhode Island which is funded out of the Discretionary Bridge Fund. Over the past several years, the Rhode Island Department of Transportation has been working on a design to replace the present Jamestown Bridge which is recognized as being an outdated and dangerous structure 22 feet wide. The present design proposal calls for the bridge to have a width of 79 feet, two inches. This width is not required under safety standards developed by the American Association of State Highway and Transportation Officials (AASHTO) which are used by the Federal Department of Transportation to determine safety requirements. The AASHTO standards would allow the bridge to be built at a 69 foot width.

The amendment will now allow the State of Rhode Island to work with the Federal Department of Transportation to reduce the presently proposed bridge width of 79 feet, two inches so that the final design of the bridge need not carry a roadway width, including travel lanes, breakdown lanes, a medium barrier, and a pedestrian walkway in excess of 69 feet.

Another important facet of the bridge program is continuation of the Bridge Discretionary Program under Section 144(g). The bill continues the authorization of $200 million off the top of the bridge authorizations to fund high cost bridges over major waterways.

In 1978 the Congress recognized that many important bridge needs were not being met because states could not accumulate sufficient apportionments under the program to fund unusually high cost river or water crossings. The Discretionary Bridge Program was developed to address this problem, and the original Act made legislative history with respect to those bridges which Congress felt were worthy of consideration for funding under this discretionary program. Subsequent legislation continued to designate eligible bridges. This number has now grown to over 50.

The Committee believes that it is necessary to change the method of selection in order to better target the program toward those bridges with highest needs. Section 105 directs the Secretary of Transportation to develop a selection process for bridges eligible under section 144(g). This selection process is to include a formula which results in a rating factor based on the following criteria: sufficiency rating, average daily traffic, average daily truck traffic, defense highway system status and the state's unobligated balance of apportioned section 144 funds. Additionally, the Secretary shall give consideration to bridges that are closed to traffic or have ten tons or less load restrictions. The language contained in section 105 also requires that eligible bridges will be those with a rating factor of 100 or less based on the criteria set forth above.

Those bridges which have already received legislative history as eligible for funding shall continue to be eligible, and those which have received initial funding shall be given the highest priority consideration.

It is the expectation of the Committee that the development of this criteria and selection process will not require future action by the Congress to designate eligible bridges. This new proposal is designed to weigh those traffic and monetary factors which should be considered under such a discretionary program.

The Committee also recognizes the importance of maintaining and improving access for bicycle traffic. Bicyclists should, to the greatest extent possible, be able to reach all points served by the public road system, and this access should be reasonably direct. The bridge replacement and rehabilitation program should serve to facilitate this objective. Bridge projects should anticipate the desire of cyclists to use these facilities and address their needs by enhancing good direct, bicycle access.

HIGHWAY SAFETY IMPROVEMENTS

The legislation establishes for the first time a single Highway Safety Improvement Program. This is accomplished by combining Hazard Elimination, Rail Highway Crossings, Rail Relocation Projects, Safer-Off-System Roads, and Highway Related Safety Activities. Also eligible for assistance under this category are pavement marking projects which are designed to delineate pavement and, therefore, make the roads safer.

To be eligible for assistance under this category, each state must develop and implement a continuous Highway Safety Improvement Program including procedures for planning, implementation and

evaluation of Highway Safety Improvement Projects. Each state shall also inventory and analyze accident data which shall be used with other factors in determining a priority schedule for undertaking improvements at identified hazards. The Federal share for such activities shall be 90 percent, except for rail highway crossing projects which shall be the Federal share as provided in section 120(d) of title 23. Projects which are funded by existing categories which are consolidated shall continue to be eligible at the Federal share authorized when the project was initiated. Funds available to the States are to be apportioned to the states according to a formula based on population and road mileage.

Under this new combined safety program, projects which were eligible under prior categories may be funded alone without a requirement for its being in combination with other activities. Thus, pavement marking projects could continue to be eligible for Federal assistance as an individual type of project.

This section also provides that each state shall expand 35 percent of the funds apportioned to it for highway safety improvements for rail grade crossing projects authorized by section 203 of the 1973 Highway Safety Act. This minimum percentage of use of such funds may be waived by the Secretary of Transportation upon application of the state if the Secretary finds that the state has demonstrated that it has other safety projects of a higher priority.

The States are required to evaluate the results of the Highway Safety Improvement Program and to report annually to the Secretary. The Secretary is required to report annually to the Congress. The State's existing safety reports to the Secretary of Transportation under section 203 of the Highway Safety Act of 1973 for rail-highway crossings, the section 151 report on pavement markings and the section 152 report on hazard eliminations are repealed, as the comparable reports are now included under the one consolidated report provided by subsection (a), which contains a new section 151(h) on highway safety improvement program reports.

OTHER FEDERAL-AID SYSTEMS

During extensive hearings on highway legislation the past two years, witnesses representing a broad spectrum of highway interests were heard. One area in which a consensus emerged was the lack of flexibility available in the highway program for each State to address its unique needs. Testimony from State, county and city transportation officials indicated that a proliferation of small, specific programs in addition to the prohibition on the transfer of funds between many categories prevented the best use of funds necessary to achieve an effective highway program.

This bill incorporates significant changes designed to streamline the highway program and allow the application of funds to those areas where they are most needed.

Section 110 of the reported bill changes the existing Federal-aid Urban System to a Federal-aid Urban program. This change allows for a wider range of transportation programs in urban areas. The importance of this is reflected in the fact that urban areas are experiencing increasingly greater problems in meeting highway as well as other transportation needs. The change will facilitate the achievement

of goals relating to equity of programs, energy conservation, center-city revitalization, economic development, and reindustrialization. While Interstate and Primary System roads are not eligible for funding under this program, all other public roads in urban areas of over 5,000 population will be. Also eligible for funding under this program are transit capital and transportation system management (TSM) projects, projects previously categorized as Safer-Off-System, and consolidated safety programs incorporated by section 113 of this bill. The certification acceptance procedures as provided by section 117(a) of title 23, United States Code, may be utilized by the States for projects under the Urban Program as they were under the Urban System.

Section 111 changes the existing Federal-aid Secondary System to a Rural Program, combining the Secondary System, eligible projects now under the non-safety portion of the Safer-Off-System program, the Bridges on Dams program, and the Economic Growth Center program. This creates a consolidated rural program and ends the Secondary System designation. Other than Primary and Interstate System roads, all rural roads and those not in an urban area of over 5,000 population are eligible for funds under the new Rural Program.

Nonurbanized public transportation and the consolidated safety program incorporated by section 113 of this bill are also eligible for funding under the new Rural Program. Consolidating the many separate programs, terminating the Secondary system designation, and allowing the Secretary to streamline and simplify procedures for the Rural Program as they were for the Secondary System, will increase the flexibilty for use of highway funds as well as benefit grant and project administration and management.

The Committee believes the States and localities have a significant interest in, and responsibility for, the Urban and Rural Programs defined in this bill. Recognizing this interest, the legislation increases the State share for the Urban and Rural Programs from 25 percent to 50 percent in section 131.

However, the Committee also recognizes that the change in the Federal/State matching ratio for the Rural and Urban programs will create a hardship for some States and localities, particularly since the authorization levels for the programs have also been reduced. In addition, local officials are, in many cases, limited in the taxing authority available in certain jurisdictions. The Committee believes that if highway user fees are increased and significant increases are made in the authorization levels for the highway program, the matching ratio for these programs should be reconsidered.

The reported bill allows for the more efficient use of funds by the States through several new transfer provisions.

Section 104 provides a minimum apportionment of one-half percent of Interstate construction funds to each State. If this amount exceeds a State's need for Interstate construction or its needs under the Interstate 4R program, the State may continue to transfer funds to the Primary System or the Rural and Urban Programs, as they may under current law. The States may also continue to transfer excess Interstate 4R funds to the Primary System.

Section 112 authorizes the transfer of funds between the Primary System and the Rural Program and between the Primary System and the Urban Program of up to 100 percent. Current law permits transfers of only 50 percent between these categories.

Section 123 permits the transfer of funds available under the Urban Program attributable to urbanized areas of 200,000 or more population from one urbanized area to another. Such a transfer would be subject to the approval of the Secretary of Transportation and the local officials of the area from which the funds are to be transferred.

Finally, the restriction on spending more than 35 percent of the Bridge Replacement and Rehabilitation funds on off-system bridges is removed. This legislation also permits the withdrawal of any Interstate segment, other than those added by specific legislation after March 7, 1978, requested by the affected Governors and local officials and approved by the Secretary.

CERTIFICATION DEMONSTRATION PROJECT

This provision is intended to determine whether Federal design standards are sufficiently flexible to address unique local transportation needs. In addition, this provision is intended to demonstrate whether any further reductions can be made in cost and construction time for Federal-aid highway projects while maintaining environmental protections and full public participation.

The Committee has received testimony that the typical highway project, in many cases with no substantial controversy, requires over seven years from project conception to initial construction. With scarce resources and with the effect inflation has had on the costs of construction, this delay must be reduced. A limited certification acceptance program is now available to the States. However, there has been limited participation by the States in this program. A further purpose of this section is to determine what changes are required to make certification acceptance more useful to the States and whether this concept can be expanded to include some of the non-title 23 requirements.

It has been brought to the Committee's attention that the State of Vermont has a model program to implement Federal requirements in this area in its Act 250 and has developed a project proposal concerning the Essex Circumferential Highway in Chittenden County which would demonstrate what could be achieved in cost and time savings. This project proposal also includes innovative design concepts which are responsive to the transportation needs of the local communities. This project should also fully implement the knowledge gained through the projects carried out under section 141 of the Federal-Aid Highway Act of 1976 and section 147 of the Federal-Aid Highway Act of 1978.

Section-by-Section Analysis

SHORT TITLE

Sec. 101. This section provides that the title may be cited as the "Federal-Aid Highway Act of 1982".

REVISION OF AUTHORIZATION FOR APPROPRIATIONS FOR THE INTERSTATE SYSTEM

Sec. 102. This section authorizes $3.3 billion for fiscal year 1984, $3.4 billion for fiscal years 1985 and 1986, $3.5 billion for fiscal year 1987, and $3.625 billion for each of fiscal years 1988 through 1990 for the Interstate Highway System construction program.

AUTHORIZATION OF USE OF COST ESTIMATES FOR APPORTIONMENT OF INTERSTATE FUNDS

Sec. 103. This section approves the use of apportionment factors for fiscal year 1984 Interstate construction fund apportionments. These factors will come from a revised version of the 1981 Interstate Cost Estimate which reflects the new definition of Interstate "completion".

HIGHWAY AUTHORIZATIONS

Sec. 104. This section authorizes the appropriation, out of the Highway Trust Fund, of the following sums for fiscal years 1983, 1984, 1985, and 1986.

For the Federal-aid primary system, $1.5 billion for fiscal year 1983, and $1.6 billion for each of fiscal years 1984 through 1986; for the Federal-aid rural program, $0.5 billion for each of fiscal years 1983 through 1985, and $0.4 billion for fiscal year 1986; for the Federal-aid urban program, $0.7 billion for each of fiscal years 1983 through 1985, and $0.6 billion for fiscal year 1986; for forest highways, $34 million for each of fiscal years 1983 through 1986; for public lands highways, $16 million for each of fiscal years 1983 through 1986; for bridge replacement and rehabilitation (23 U.S.C. 144), $1.0 billion for fiscal year 1983, and $1.3 billion for each of fiscal years 1984 through 1986; and for the highway safety improvement program, $100 million for fiscal year 1983, and $150 million for each of fiscal years 1984 through 1986. Subsection (b) authorizes, out of the General fund, $83 million for each of the fiscal years 1983 through 1986 for Indian Reservation Roads.

Subsection (c)(1) provides a minimum apportionment of one-half of one percent of Interstate construction funds to each State, including Alaska. Whenever this amount exceeds a State's need for Interstate construction and Interstate resurfacing, restoration, rehabilitation, and reconstruction, the State may transfer the excess amount to the Primary System, the Rural Program, or the Urban Program.

Subsection (c)(2) provides for a Discretionary Bridge Fund of $200 million for each of fiscal years 1983 through 1986. Funds are available for a period of four years. Projects eligible for the funds are those costing more than $10 million or those costing at least twice a State's annual bridge fund apportionment. A technical amendment is also made to 23 U.S.C. 144(g) to change the requirement of expenditures on bridges off the Federal-aid systems to a requirement of at least 15 per centum of expenditures on bridges on public roads not functionally classified as arterials or major collectors. Virtually all of the present Interstate, Primary and Secondary Systems and most of the Urban System consist of roads functionally classified as arterials and major collectors. This change would permit expenditures of up to 85 per centum of the total funds on Interstate, Primary, Secondary, and Urban Systems and Off-System arterials or major collectors. The effect of the technical amendment will be to leave the law substantially unchanged. This subsection also deletes the provision of 23 U.S.C. 144(g) which prohibits the expenditure of more than 35 per centum of a State's bridge apportionments off the Federal-aid systems. This deletion will permit discretion to the States to use more of their bridge funds off-system in accord with their own priorities.

A number of categories including forest development roads and trails, public lands development roads and trails, park roads and trails, parkways, Indian reservation roads and bridges, economic growth center development highways, Great River Road, safer-off-system roads, access highways, section 402 FHWA highway safety program, section 152 elimination of hazards program, rail-highway crossings, railroad-highway crossings demonstration program, and bicycle transportation and pedestrian walkways, will not receive new separate funding levels. Most of the projects now eligible in these categories will be eligible under the primary system and the rural, urban, and safety programs.

DISCRETIONARY BRIDGE CRITERIA

SEC. 105. This section directs the Secretary to develop a selection process for discretionary bridges authorized under section 144(g). This selection process is to include a formula resulting in a rating factor which is based on criteria including the sufficiency rating, average daily traffic, average daily truck traffic, defense highway system status, and the State's unobligated balance of funds received under section 144. In addition, the Secretary is directed to give consideration to bridges that are closed to all traffic or that have a load restriction of 10 tons or less. Those bridges already eligible for discretionary bridge funds will remain eligible including those with legislative history and those already being funded with discretionary funds. After the issuance of a final regulation, eligible bridges will be limited to those with a rating factor of 100 or less, based on a scale of 0 to infinity.

INTERSTATE SYSTEM RESURFACING APPORTIONMENT

SEC. 106. This section establishes a new Interstate 4R apportionment formula. The new formula is based 60 percent on the ratio of the number of lane miles on Interstate routes (other than those on toll roads

not subject to a Secretarial agreement) each State has of the total lane miles in all States, and 40 percent on the ratio each State has of the total vehicle miles traveled on those lanes on Interstate routes (other than those on toll roads not subject to a Secretarial agreement). This section also establishes a minimum one-half of 1 percent guarantee of Interstate 4R apportionments for each State.

The Secretary is directed to study the procedures for distributing Interstate 4R funds to the States. The purpose of the study is to analyze current conditions and factors including volume and mix of traffic, weight and size of vehicles, environmental, geographical, and meteorological conditions in various States, and any other factors that may contribute to the deterioration of the Interstate system. The Secretary shall consider such criteria as need, national importance, impact on individual State highway programs, structural and operational integrity, and any other relevant criteria, to determine the most equitable method of distribution. The Secretary is directed to report the results of the study together with recommendations for legislation not later than six months after the date of enactment of this section.

INTERSTATE SYSTEM RESURFACING AUTHORIZATION

SEC. 107. This section provides authorizations for Interstate resurfacing, restoring, rehabilitation and reconstructing (4R), out of the Highway Trust Fund, of $1.1 billion for fiscal year 1984, $1.6 billion for each of fiscal years 1985 and 1986, and $2.1 billion for fiscal year 1987. The requirement that Interstate 4R funds be used only on lanes in use for more than five years is discontinued. The transfer of 4R funds to primary apportionments is permitted when the 4R funds are excess to resurfacing and reconstruction needs.

INTERSTATE SUBSTITUTION AUTHORIZATION

SEC. 108. Subsection (a) authorizes, in addition to any funds authorized to be appropriated out of the General Fund, $150 million for fiscal year 1983, $250 million for each of fiscal years 1984 and 1985, and $300 million for fiscal year 1986, out of the Highway Trust Fund, for substitute highway projects under 23 U.S.C. 103(e)(4). The effect of this authorization is to grant contract authority for substitute highway projects. Funds for mass transit substitute projects will continue to come from the General Fund of the Treasury.

Section 108(b) amends 23 U.S.C. 103(e)(4) to allow withdrawal of, and to include as eligible for the benefits of withdrawal and substitution, any Interstate routes including those in rural areas, except those routes or segments of routes added to the Interstate System by specific legislation after March 7, 1978.

Section 108(c) provides that no adjustment will be made for inflation after September 30, 1983, for any substitute project eligible for Interstate Transfer funds.

Section 108(d) prohibits withdrawal and substitution for routes or segments of routes added to the Interstate System by specific legislation after March 7, 1978.

Section 108(e) clarifies that 100 percent Federal share shall also apply to traffic control signalization projects which might be included as part of an Interstate substitution project under 23 U.S.C. 103(e)

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(4). Present law now permits 100 percent Federal share for projects for traffic control signalization funded from all other Federal-aid categories.

FEDERAL-AID PRIMARY PROGRAM

SEC. 109. This section would eliminate the priority primary program (23 U.S.C. 147). Any unobligated authority for the priority primary program, effective the date of enactment of this section, would be apportioned by the Secretary of Transportation in the same manner as primary funds and would thereafter remain available for obligation for the same period as if the funds were apportioned like primary funds. Pertinent sections of title 23, United States Code, would be amended to reflect the elimination of the priority primary program. This section would also permit the District of Columbia to receive a minimum one-half of one percent of each year's primary apportionment.

FEDERAL-AID URBAN PROGRAM

SEC. 110. This section would establish the Federal-aid urban program. The existing Federal-aid urban system would be abolished, allowing for a wider range of transportation programs in urban areas. The changes will facilitate the achievement of goals relating to equity of programs, energy conservation, center-city revitalization, economic development, and reindustrialization.

All public roads in urban areas would be eligible, except those on the primary system and Interstate System. Transit capital projects and transportation system management (TSM) projects would also be eligible as would projects previously categorized as safer-off-system. Consolidated safety programs incorporated by section 112 of this bill, the Highway Safety Improvement Program, are eligible for funding as part of the urban program.

The Certification Acceptance Procedures as provided by section 117(a) and the Secondary Road Plan procedures as provided by section 117(f) of title 23, United States Code, may be utilized by the States for projects under this program.

FEDERAL-AID RURAL PROGRAM

SEC. 111. This section amends section 103 of title 23, United States Code. It combines the secondary program and eligible projects now under the non-safety portion of the safer-off-system program, the Great River Road program, the access to lakes program, the bridges on Federal dams program and the economic growth center program. This would result in a consolidated rural program and end the secondary system designation, thus making funds available for all rural and nonurban roads, other than primary and Interstate System roads. Projects eligible for funding would be expanded to include nonurban public transportation and projects previously categorized as safer-off-system roads. Consolidated safety programs incorporated by section 112 of the bill, the Highway Safety Improvement Program, are eligible for funding as part of the Rural Program. Consolidating the funds for the above mentioned programs and terminating the secondary system designation would increase the flexibility for use of the funds as well as simplify grant and project administration and management.

The Certification Acceptance procedures as provided by section 117 (a) and the Secondary Road Plan procedures as provided by section 117(f) of title 23, United States Code, may be utilized by the States for projects under this program.

TRANSFERABILITY

SEC. 112. This section amends 23 U.S.C. 104 to permit transfers between primary system and rural program apportionments and between primary system and urban program apportionments of up to 100 percent. Current law now permits 50 percent transfers between primary and secondary systems and between primary and urban systems.

HIGHWAY SAFETY IMPROVEMENT PROGRAM

SEC. 113. This section establishes a single highway safety improvement program by combining all safety categories—Hazard Elimination, Rail Highway Crossings, Rail Relocation Projects, Safer-Off-System Roads, and highway related safety activities under section 402.

Each State must develop and implement a continuous highway safety improvement program which includes procedures for planning, implementation and evaluation of highway safety improvement projects. As part of this program, each State must have a process for inventorying and analyzing accident, traffic, and highway data, for conducting engineering surveys of hazardous locations, sections, and elements; and for maintaining and implementing a prioritized schedule of projects for the improvement of the hazards identified. Any highway safety improvement project on a public road, except the Interstate, may be funded under this section. The Federal share under this section is 90 percent except for rail-highway crossing projects, in which case the Federal share is that provided in section 120(d) of title 23, United States Code. Any remaining unobligated balance of contract authority for carrying out section 402 with respect to highway-related safety programs will remain available for obligation, and will lapse not later than September 30, 1984. Highway safety funds are apportioned to the States according to a formula based on population and road mileage.

This section also provides that each State shall expend 35 percent of the funds apportioned to it for highway safety improvements for rail grade crossing projects authorized by section 203 of the 1973 Highway Safety Act. This minimum percentage of use of such funds may be waived by the Secretary of Transportation upon application of the State if the Secertary finds that the State has demonstrated that it has other safety projects of a higher priority.

One-half of one percent of the highway safety funds is made available to the Secretary of the Interior for carrying out section 151 safety activities on Indian reservations. The section 151 funds are available as if they were primary funds except where inconsistent with the purposes of this section. In addition, primary system, urban program and rural program funds are eligible for all consolidated safety projects.

The States are required to evaluate the results of the highway safety improvement program and to report annually to the Secretary. The

Secretary is required to report annually to the Congress. The State's existing safety reports to the Secretary of Transportation under Section 203 of the Highway Safety Act of 1973 for rail-highway crossings, the Section 151 report on pavement markings and the Section 152 report on hazard eliminations are repealed, as the comparable reports are now included under the one consolidated report provided by subsection (a), which contains a new section 151(h) on highway safety improvement program reports.

HIGHWAY BRIDGE REPLACEMENT AND REHABILITATION PROGRAM APPORTIONED FUNDS

SEC. 114. This section provides for an annual apportionment starting fiscal year 1983 based upon a formula: All deficient bridges will be divided into four categories: (1) Federal-aid system bridges and bridges on public roads functionally classified as arterials or major collectors eligible for replacement, (2) Federal-aid system bridges and bridges on public roads functionally classified as arterials or major collectors eligible for rehabilitation, (3) Off-system bridges and bridges on public roads not functionally classified as arterials or major collectors eligible for replacement, and (4) Off-system bridges and bridges on public roads not functionally classified as arterials or major collectors eligible for rehabilitation. The square footage of deficient Federal-aid system bridges, and bridges on public roads functionally classified as arterials or major collectors, both those eligible for replacement and those eligible for rehabilitation, shall be multiplied by a factor of two. The square footage of deficient bridges in each category shall be multiplied by a national average unit cost on a State-by-State basis and the total cost in each divided by the total cost of the Nation's deficient bridges to yield the apportionment factors, except that no State shall receive less than one quarter of one percent nor more than 9.25 percent of the annual apportionment. These funds are available for four years.

FEDERAL LANDS HIGHWAYS

SEC. 115. This section would establish a Federal Lands Highway Program which would include forest highways, park roads, parkways, Indian reservation roads, and public lands highways. This section would change existing law in the following ways.

Current section 202(a) of title 23, United States Code, provides for forest highway authorizations to be apportioned for the forest highways in the several States according to the area and value of federally owned land within the national forests therein. Revised section 202(a) would replace this apportionment formula with an allocation formula based on the relative needs of the various elements of the National Forest System as determined by the Secretary of Transportation in cooperation with the Secretary of Agriculture. The existing formula is obsolete because of the policies and directions mandated by renewable resource and land use planning legislation.

Revised section 202(b) would modify the existing allocation criteria (23 U.S.C. 202(b)) for forest development roads and trails to require that allocation of such funds be consistent with the renewable resource and land use planning for the various National Forests. As with forest highways, this change to the allocation criteria for forest develop-

ment roads and trails is necessary to achieve compliance with renewable resources and land use planning legislation. Forest development roads and trails are not included as part of the new Federal Lands Highways Program as such roads and trails are restricted to administrative use by appropriate agencies. The Federal Lands Highways Program would include public roads only.

Revised section 202(c) is a restatement of the existing allocation criteria (23 U.S.C. 202(c)) for public lands highways with one addition. A new provision, consistent with recent renewable resources and land use planning legislation, would provide that preference be given to those highway projects which are significantly impacted by Federal land and resource management activities.

New sections 202(d) and (e) would establish criteria for allocation of funds authorized for park roads, parkways and Indian reservation roads.

Currently, no criteria is statutorily prescribed for allocation of funds authorized for park roads, parkways and Indian reservation roads. The proposed allocation criteria for these classes of highways would require distribution of funds authorized for each such class be based on the relative needs of the various elements of each such class.

This section would eliminate the separate provisions of chapter 2 of title 23, United States Code, which provide for forest highways (section 204), park roads (section 206), parkways (section 207), Indian reservation roads (section 208), and public lands highways (section 209), and establish in lieu thereof a coordinated Federal Lands Highway Program under which each such class of Federal lands highways would be continued. The substance of the separate sections which provided for forest highways, park roads, parkways, Indian reservation roads, and public lands highways is essentially restated in the new section authorizing the Federal Lands Highways Program. The significant change that the new section would make is placing on the Secretary of Transportation the oversight and coordinating responsibility for Federal Lands Highways in order to ensure that such highways are treated under the same uniform policies as roads which are on the Federal-aid systems.

This proposal would not transfer jurisdiction of the Federal roads from the agencies that currently manage the respective Federal lands. Rather, it would involve DOT in coordination with the land managing agency, in the planning studies and program development of public lands highways roads. The DOT would also provide design and construction assistance to the land managing agencies.

This section would also add to title 23, United States Code, a definition of the term Federal Lands Highways, amend the definitions of the terms Indian reservation roads and park roads to include public roads only. This definition continues to include the bridges on these roads also. This section makes technical changes to conform affected sections of title 23, United States Code, with the new Federal Lands Highways Program.

PROGRAM CONSOLIDATION

SEC. 116. Subsection (a) of this section repeals the Economic Growth Center Development program, National Scenic and Recreational Highway program, Access Highways to Public Recreation Areas on

Certain Lakes program, Highways Crossing Federal Projects program, and the Railroad Highway Crossings Demonstration Project.

Subsection (b) provides that any unobligated balance of contract authority or unexpended balance of sums appropriated prior to enactment of subsection (a) will remain available for these programs under the conditions applicable prior to such enactment. The unappropriated balance of sums authorized prior to enactment of subsection (a) for the National Scenic and Recreational Highway program, Access Highways to Public Recreation Areas on Certain Lakes, and Highways Crossing Other Federal Projects is rescinded.

CARPOOL AND VANPOOL PROJECTS

SEC. 117. Subsection (a) amends section 120(d) of title 23, United States Code, to allow up to 100 percent Federal share on projects for the acquisition of vehicles for carpooling and vanpooling. The intent is to encourage more ridesharing by making it possible to acquire vehicles when local matching funds are not available.

Subsection (b) authorizes and directs the Secretary of Transportation to expend such sums as are necessary out of Federal Highway Administration administrative funds to carry out the national policy of promoting commuter modes of transportation which conserve energy, reduce pollution, and reduce traffic congestion. This is in lieu of a separate authorization as included in the Surface Transportation Assistance Act of 1978.

PUBLIC TRANSPORTATION

SEC. 118. This section amends section 142(a)(1), (b), and (f) of title 23, United States Code, by substituting "high occupancy vehicle lanes" for "bus lanes", "high occupancy vehicle passengers" for "bus passengers", and "high occupancy vehicles" for "public mass transportation systems". The overall effect is to expand the scope of the projects eligible for funding under section 142 to include carpool and vanpool vehicles and passengers. Also, it allows such projects to include eligible facilities for carpools and vanpools only, without the presence of buses or rail transit.

FRINGE AND CORRIDOR PARKING

SEC. 119. This section amends section 137 of title 23, United States Code, by adding a new subsection (f) which allows Interstate 4R funds to be used for projects providing preferential parking for carpools. It incorporates the same restrictions as other fringe parking facilities with respect to being outside the central business district and within an Interstate corridor, and the primary purpose of reducing vehicular traffic on the Interstate highway. Other standard features concerning contracting and fees charged are also included.

EMERGENCY RELIEF

SEC. 120. Subsection (a) of this section amends subsection (a) of section 125, title 23, United States Code, to make clear that the term

"catastrophic failure" means failures which are sudden, unexpected, and result from external forces, natural catastrophes in narrow or limited areas such as localized hurricane force winds, earthquakes, landslides, and the like. "Catastrophic failure", for purposes of this section, does not mean failure which is the result of structural deficiencies or physical deterioration. Bridges which are in imminent danger of collapse as a result of structural deficiencies or physical deterioration may be eligible for Federal funding under section 144 of title 23, United States Code, The Highway Bridge Replacement and Rehabilitation Program. Section 125 is intended to establish a fund which is to be held for sudden and unexpected emergencies and is not intended to be used for maintenance costs or for deficiencies in, or the ordinary deterioration of, a structure. These latter expenses are expected to be met by the States, or to the extent a facility qualifies, with funds available under section 144 of title 23.

Subsection (a) of section 125 is also amended to delete the reference to bridges which have been closed to traffic between December 31, 1967 and December 31, 1970 inasmuch as the Committee understands that these bridges have been repaired or reconstructed and are now reopened to vehicular traffic.

Subsections (a) and (b) of this section further provide that all expenditures for emergency relief under 23 U.S.C. 125, whether past or future, shall come from the Highway Trust Fund and not from the General Fund of the Treasury. Section 125 of title 23, United States Code, now provides that 40 percent of emergency relief expenditures prior to the fiscal year ending September 30, 1978 are authorized from the General Fund of the Treasury.

Subsection (c) authorizes, from the Highway Trust Fund, $100 million per year for emergency relief projects.

Subsection (d) would amend 23 U.S.C. 125(b) to provide that expenditures for projects resulting from a single natural disaster or a single catastrophic failure shall not exceed $30 million in a State.

Subsection (e) would apply the amendment made by subsection (d) to natural disasters or catastrophic failures which the Secretary finds to be eligible for emergency relief subsequent to the enactment of this section.

Subsection (f) would amend 23 United States Code 120(f), which pertains to the Federal share for highway emergency relief projects. Under current law, the Secretary can increase the Federal share to 100 percent. Under this subsection, the Federal share would be limited to 75 percent, except for forest highways, forest development roads and trails, park roads and trails, parkways, public lands highways, public lands development roads and trails and Indian reservation roads, which would still receive 100 percent Federal funding.

Subsection (g) would apply the provisions of 23 United States Code 120(f), as amended by the bill, to all natural disasters or catastrophic failures which the Secretary finds to be eligible for emergency relief subsequent to the enactment of the bill.

Subsection (h) makes technical amendments to reflect the fact that this bill replaces the secondary and urban Federal-aid highway systems.

BICYCLE TRANSPORTATION PROGRAM

SEC. 121. This section broadens current authority to allow Federal-aid highway funds to participate in a greater variety of projects to encourage bicycle transportation and to provide pedestrian facilities. It would allow States greater flexibility in developing federally assisted bicycle and pedestrian projects by (1) eliminating the requirement that bicycle or pedestrian projects be "on or in conjunction with highway rights-of-way"; (2) eliminating the limitation on the expenditure of Federal-aid highway funds for bicycle or pedestrian projects; and (3) specifically allowing Federal-aid highway funds to participate in nonconstruction projects that are expected to enhance bicycle safety and use. The Federal share for bicycle projects would be increased to 100 percent.

HIGHLAND SCENIC HIGHWAY

SEC. 122. This section would amend section 161(f) of the Federal-aid Highway Act of 1973, as amended by section 21 of Public Law 96-106, to remove a technical problem presently preventing the State of West Virginia from maintaining the Highland Scenic Highway, located partially within and adjacent to the Monongahela National Forest in the State. It would also allow local light truck traffic and limited commercial logging truck traffic on a permit basis only.

The Highland Scenic Highway was originally designed and constructed as a multi-purpose State highway on the Federal-aid Highway System. As such, it was maintained by the State until the passage of the Federal-aid Highway Act of 1973 which designated it as a scenic highway with portions limited solely to scenic and recreational with only passenger car traffic allowed. The scenic highway designation precludes community service vehicles such as bread trucks, service trucks and farm trucks from using the highway and use of the road for National Forest management activities requiring usage of trucks. This designation thus made the highway a limited service highway which precludes continued maintenance by the State as State law prohibits the expenditure of maintenance funds on limited service highways.

This amendment would correct this anomaly by modifying the vehicle limitation so that the State could maintain the road and, at the same time, protect the important recreational and scenic values of the highway.

Truck traffic would be limited to light duty service trucks, farm vehicles which must use the road to properly manage farm lands, and logging trucks used in National Forest management activities. A permit system is required for all such usage of the Scenic Highway.

ALLOCATION OF URBAN FUNDS

SEC. 123. Existing law permits transferability between urban and primary system funds. However, it does not permit transfer of funds allocated out of urban system funds attributable to urbanized areas of 200,000 or more population from the allocation of one urbanized area to that of another urbanized area or to an urban area. This amendment to section 150 of title 23, United States Code, would permit the

transfer of such attributable funds to the allocation of another urbanized area in the State or to any other urban area in the State. A transfer, requested by the State, would be subject to the approval of the Secretary and the local officials of the urbanized area from which the funds are to be transferred. The proposed transfer provision would enhance the capability of the States and local governments by giving them more flexibility in programming projects, setting priorities, and utilizing scarce financial resources.

CERTIFICATION ACCEPTANCE

SEC. 124. This section amends 23 U.S.C. 117 to provide for: (1) the application of certification acceptance to the physical construction phase of Interstate 4R projects; (2) the elimination of the requirement to make a final inspection on every project under both the certification acceptance and secondary road plan programs; and (3) the extension of coverage under the secondary road plan program to: "projects, as defined by the Secretary and which are not on the Interstate System." These changes in no way would relieve the State highway departments from the requirement of entering into formal project agreements with the Secretary pursuant to section 110 of title 23. Certification acceptance would be available to Interstate restoration projects once they reach the construction phase; thus it would apply only to those work areas such as time extensions, construction contract change orders, assessment of liquidated damages, etc., which take place subsequent to the actual construction project being authorized. The amendments would make both concepts more attractive to the States because of the expanded coverage and the reduction in Federal involvement and redtape.

DEFENSE ACCESS ROADS

SEC. 125. Section 210(c) of title 23, United States Code, provides for the use, up to $5,000,000, of any funds appropriated under the Act approved October 16, 1951 (65 Stat. 422) for highways in military training and maneuver areas. In 1958, Public Law 85–767 (72 Stat. 885), which revised and codified prior highway legislation as title 23, United States Code, repealed other Acts and portions of Acts. In addition, the second Supplemental Appropriations Act of 1957 (including the Bureau of Public Roads under the Department of Commerce) rescinded, effective June 20, 1957, all unexpended appropriations from prior laws. (Public Law 85–855). Thus, there are no current highway appropriations from which any part of $5,000,000 could be made available for the construction, maintenance, and repair of maneuver areas.

In 1955, the Office of Management and Budget directed the Department of Defense to budget for defense access roads. Since 1957, each military department has budgeted separately for defense access roads. By direction of the Assistant Secretary of Defense (Comptroller), maintenance and repair or public highways used for maneuvers will be accomplished from funds made available by the appropriate military department; but in order to insure prompt repairs, military regulations provide that the Commander, Military Traffic Management Command, may authorize the Federal Highway Administration to

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temporarily use available access road funds, pending payment by the military department concerned from its operation and maintenance funds. Since funds for the repair of maneuver road damage are not available from highway appropriations acts, but are available from defense appropriations acts, the opening clause is misleading and should be amended to reflect current law and practice.

This amendment to section 210(c) of title 23, United States Code, has been coordinated with the Military Traffic Management Command.

MAINTENANCE

SEC. 126. Subsection 116(b) of title 23, United States Code, requires maintenance agreements between a State without authority to maintain a project constructed "on the Federal-aid secondary system, or within a municipality" and the appropriate county or municipal officials. This section would amend subsection (b) to require maintenance agreements when a State does not have authority to maintain any project.

This section would amend subsection 116(c) of title 23, United States Code, to permit the Secretary to withhold project approval for projects in specific areas on one or more of the Federal-aid Systems or programs within a State, or for the entire State, where the Secretary finds that a project is not being properly maintained. Under present law, the Secretary must withhold project approval for the entire State for all projects when a single project is not being properly maintained. Present law does not represent a practical enforcement sanction. Stopping all project approvals in an entire State could involve massive disruption of planning and considerable economic waste. The amendment provides a practical enforcement sanction which should be an effective tool in enforcing maintenance.

Subsections (b), (c), (d), (e), (f), and (g) transfer maintenance provisions from 23 U.S.C. 109 to 23 U.S.C. 116.

CONSTRUCTION

SEC. 127. Title 23, United States Code, now requires that the Secretary inspect each highway construction project. This amendment would remove that requirement. The Secretary would establish procedures for inspecting and approving construction but would not have to inspect each project.

RESEARCH AND PLANNING

SEC. 128. This section would amend 23 U.S.C. 307 to confirm the legal basis for pooling 1½ percent highway planning and research (HPR) funds into a single fund and to establish a uniform period of availability, and a standard Federal matching share. It also makes 1½ percent of the Bridge Replacement and Rehabilitation funds available for research and planning purposes.

NONDISCRIMINATION

SEC. 129. This section amends section 140 of title 23, United States Code, to assure that equal employment opportunity must be provided

without regard to sex; to authorize the Secretary of Transportation to conduct and finance minority business enterprise training programs and assistance programs; and to authorize the use of $10 million per fiscal year from the sums apportioned under 23 U.S.C. 104(a) to conduct and finance minority business enterprise training programs and assistance programs.

INTERAGENCY AGREEMENTS

SEC. 130. This section adds a new section to title 23, United States Code, under which the Secretary of Transportation would be required to enter into memoranda of understanding with other Federal agencies to coordinate the various environmental compliance reviews that apply to Federal and Federal-aid highway projects with no substantial controversy. The purpose of such memoranda is to minimize, to the maximum extent practicable, duplication, needless paperwork, and delays in approval of projects under title 23, United States Code. This section is intended to reinforce the national policy on minimization of redtape set forth in section 101(e) of title 23, United States Code, by consolidating environmental compliance procedures in a single project development process to be coordinated by the Department of Transportation by providing for the rapid resolution of Federal interagency disagreements concerning the economic, social, and environmental effects of actions proposed for funding under title 23, United States Code.

FEDERAL SHARE—FEDERAL-AID RURAL AND URBAN PROGRAMS

SEC. 131. This section amends section 120(a) of title 23, U.S.C., relating to the Federal share. The current Federal share payable for the Federal-aid secondary system and the urban system is 75 percent. This bill redefines the secondary and urban systems as rural and urban programs. The Federal share payable for these two programs is 50 percent.

For projects already under construction, States would have the option of continuing to fund those projects at the 75/25 matching ratio or at 50/50. All new projects must be funded at the 50/50, Federal/State matching ratio.

OBLIGATION LIMITATION AND ALLOCATION FORMULA

SEC. 132. This section establishes an obligation limitation of $8.2 billion for fiscal year 1983, excluding emergency relief projects, rehabilitation of a federally-owned bridge, certification of state procedures and lake erosion demonstration projects, and Interstate transfer grants. The $8.2 billion in obligational authority would be allocated to the States in the same ratio in which sums to be appropriated to the States for Federal-aid highways and highway safety construction are apportioned. Collectively, the States can obligate no more than 25 percent during the first quarter of the fiscal year.

MARYLAND TRANSPORTATION AUTHORITY

SEC. 133. This section repeals two bridge statutes which have been superseded by more recent enactments. It allows the Maryland Trans-

portation Authority to pledge revenues from existing toll bridges and tunnels it has financed as security for new bond issues for new bridge and tunnel facilities.

CERTIFICATION OF STATE PROCEDURES

SEC. 134. This section authorizes the Secretary of Transportation to carry out a project in cooperation with the State of Vermont which will demonstrate the feasibility of extending the coverage of State certification under section 117(a) of title 23, United States Code, and which will determine whether Federal design standards are sufficiently flexible, in and around Essex Junction, Vermont. The purpose of the demonstration project is to determine to what extent States are able to carry out the requirements of Federal law, both title 23 and non-title 23 requirements, and to determine what kinds of problems may be encountered under such procedures. The project shall also document those areas where savings can be made in time and paperwork without adverse impacts on public participation or the environment.

ALASKA HIGHWAY

SEC. 135. This section amends section 218(a) of title 23, United States Code, to allow continued construction of portions of the Alaska Highway located in Canada, in accordance with the International Shakwak Agreement and past commitments to that country.

Since Congress authorized the construction of the Alaska Highway in the Federal-aid Highway Act of 1973 (P.L. 93–87), appropriated funds have been obligated for the project and work is now completed or underway. However, no funds were appropriated in the 1979–1982 United States budgets.

This section would permit Alaska to help the Federal Government fulfill its treaty obligations by allowing use of its Federal-aid highway funds for the construction of the Alaska Highway in Canada, as provided in section 218. Any Federal-aid funds expended from the State of Alaska, apportionment for this purpose would not be subject to any obligational limitations.

TERRITORIAL HIGHWAY PROGRAM

SEC. 136. Subsection (a) of this section repeals section 215 (Territorial Highway Program) of title 23, United States Code.

Subsection (b)(1) of this section provides that outstanding funds authorized or appropriated for carrying out repealed section 215 shall remain available for obligation under the conditions applicable prior to such repeal.

ACCELERATION OF BRIDGE PROJECTS

SEC. 137. This section repeals the acceleration of bridge project programs which provides special funding for the U. S. Grant Bridge in Kentucky and the East Huntington Bridge in West Virginia. Funds authorized for this program would remain available for obligation for two years under the same conditions which existed prior to the repeal of this section.

LAKE ROAD EROSION DEMONSTRATION

SEC. 138. This section authorizes the Secretary of Transportation in cooperation with the State of North Dakota to carry out projects in and around Devils Lake, North Dakota which demonstrate the use of construction techniques which will prevent wave erosion on roadways which cross closed basin lakes at grave level. Because of the emergency nature of this work the State of North Dakota has already begun work on some roads, the Secretary is authorized to reimburse for such work and to participate in future project activities.

The purpose of the demonstration project is to examine alternative construction methods which can be used in the unique situation of Devils Lake. The project shall also demonstrate where savings can be made by using the best possible construction techniques to prevent erosion over the longest period of time possible.

Hearings

The Committee on Environment and Public Works conducted hearings on the Highway Bridge Replacement and Rehabilitation Program and the fiscal year 1983 budget for the Federal-aid highway program. Drew Lewis, Secretary of Transportation, and Ray Barnhart, Administrator of the Federal Highway Administration, testified at the fiscal year 1983 budget hearing.

The Subcommittee on Transportation conducted one day of hearings on S. 2315 in Washington, D.C. Testimony was received from two United States Senators, the Department of Transportation, State and local elected and appointed officials, industry representatives, and environmentalists. Issues discussed at the hearing included the Interstate 4R apportionment formula, rehabilitation needs, category consolidation, the bridge program apportionment formula, and the appropriate federal participation in the Secondary, Urban and Safety programs.

Since the provisions of S. 2315 are very similar to those included in S. 1024, last year's Federal-aid highway bill, the hearing record for S. 2315 is augmented by the hearing record for S. 1024. The Subcommittee on Transportation conducted 10 days of hearings on S. 1024 during 1981 in Washington, D.C.; Sioux Falls, South Dakota; Rapid City, South Dakota; Fargo, North Dakota; Denver, Colorado; Boise, Idaho; and Seattle, Washington.

Rollcall Votes During Committee Consideration

During consideration of this bill by the Environment and Public Works Committee, one rollcall vote was taken. Pursuant to Section 133 of the Legislative Reorganization Act of 1970 and the Rules of the Committee on Environment and Public Works, that vote is recorded below.

On May 10, 1982, Senator Symms proposed to report the bill from Committee. The motion was adopted by a vote of 16 to 0, with Senators Stafford, Baker, Domenici, Chafee, Simpson, Abdnor, Symms, Gorton, Murkowski, Randolph, Bentsen, Burdick, Hart, Moynihan, Mitchell, and Baucus voting in the affirmative.

Evaluation of Regulatory Impact

In accordance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee has evaluated the regulatory impact of the bill. In view of the fact that the bill primarily affects the internal operations of the government and amends an existing function, most of the provisions create no new regulatory impact.

Some existing rules will need slight modification. Section 105 directs the Secretary to develop a selection process for discretionary bridges authorized under section 144(g). This selection process is to include

the development of a formula which results in a rating factor based on criteria including the sufficiency rating, average daily traffic, average daily truck traffic, defense highway system status, and the State's unobligated balance of funds received under section 144.

Cost of Legislation

Section 403 of the Congressional Budget and Impoundment Control Act requires each report to contain a statement of the cost of the bill as reported prepared by the Congressional Budget Office.

The statement follows:

U.S. Congress,
Congressional Budget Office,
Washington, D.C., May 14, 1982.

Hon. Robert T. Stafford,
Chairman, Committee on Environment and Public Works,
U.S. Senate, Washington, D.C.

Dear Mr. Chairman: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate for the Federal-Aid Highway Amendments of 1982.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

James L. Blum.
(For Alice M. Rivlin, Director).

Congressional Budget Office—Cost Estimate

May 14, 1982.

1. Bill number: Not yet assigned.
2. Bill title: Federal-Aid Highway Amendments of 1982.
3. Bill status: As ordered reported by the Senate Committee on Environment and Public Works, May 10, 1982.
4. Bill purpose: This bill provides direct spending authority of $24.475 billion for fiscal years 1983 through 1990 for interstate highway construction, a reduction of $900 million from the levels in current law. In addition, for fiscal years 1983 through 1986, the bill authorizes a total of $6.4 billion for interstate 4–R (resurfacing, restoration, rehabilitation, and reconstruction) work, a total of $6.3 billion for primary road construction, $1.9 billion for rural/secondary road construction, $2.7 billion for urban system roads, $200 million for forest highways and public lands construction, $4.9 billion for bridge safety construction, $550 million for highway safety improvements, $950 million for interstate substitution projects, $400 million for emergency relief, and $54.5 million for two special demonstration projects. All of these authorizations are direct spending contract authority from the Highway Trust Fund.

Assuming enactment of this bill, the total amount of contract authority available for fiscal year 1983 will be $8,609.5 million, of which $3,879.5 million is attributable to this bill. There currently exists under the Federal-Aid Highway Act of 1981 (Public Law 97–134) $4,580 million of contract authority for 1983.

In addition to the direct spending provided, the bill authorizes total appropriations of $332 million for the Indian reservation roads program for fiscal years 1983 through 1986.

This bill repeals certain highway programs, including the territorial highway program, highways crossing Federal projects, access highways to public recreation areas on certain lakes, economic growth center development highways, the development of a national scenic and recreational highway, and the railroad-highway crossing elimination program. Also, a number of safety construction programs are consolidated into a highway safety improvement program—including high-hazard locations, roadside obstacles, signing, pavement marking, and traffic control/warning devices.

Section 116 of the bill rescinds the unappropriated authorizations for the national scenic and recreational highway program and the access highways to public recreation areas on certain lakes.

Further, the bill establishes the Federal share payable on projects at 90 percent for highway safety improvement, 75 percent for emergency relief, and 50 percent for the rural/secondary and urban roads programs. Section 108 of this bill directs that the Federal share of the cost of the interstate substitution projects shall be that cost included in the latest interstate system cost estimate approved by Congress or up to and including the 1983 interstate cost estimate, whichever is earlier. This section effectively bars the use of inflation adjustments to increase the estimated cost of withdrawn segments.

The bill also lowers the fiscal year 1983 obligation limitation ceiling to $8.2 billion. In the Omnibus Budget Reconciliation Act of 1981, Public Law 97–35, the fiscal year 1983 obligation ceiling was set at $8.8 billion.

5. Cost estimate: The bill provides direct spending authority from the Highway Trust Fund, and authorizes the appropriation of general funds for Indian roads construction. The total budget impact of this bill for fiscal years 1983 through 1987 is summarized in the following table.

[By fiscal years, in millions of dollars]

	1983	1984	1985	1986	1987
Budget authority/authorization level	3,962.5	5,758	5,758	6,158	----------
Estimated outlays	355.0	1,704	3,433	4,563	4,630

The costs of this bill fall within budget function 400, except for those associated with Indian reservation roads, which are in function 450.

The reduction of the 1983 obligation ceiling from $8.8 billion to $8.2 billion will reduce 1983 outlays for the federal-aid highway account by about $100 million, from approximately $8.2 billion to $8.1 billion.

6. Basis of estimate: The budget authority or authorization levels included above are those stated in the bill. It is assumed that all funds authorized for Indian reservation roads will be appropriated.

This bill amends existing budget authority for the interstate construction program for fiscal years 1983 through 1986, as reflected below.

[By fiscal years, in millions of dollars]

	1983	1984	1985	1986
Budget authority	3,300	3,400	3,400	3,500
Less: Existing budget authority	3,625	3,625	3,625	3,625
Net additional budget authority	−325	−225	−225	−125

In addition, the bill provides direct spending authority for fiscal years 1983 through 1986 for other federal-aid highway programs, which include:

[By fiscal years, in millions of dollars]

Program	1983	1984	1985	1986
4–R	1,100.0	1,600	1,600	2,100
Primary	1,500.0	1,600	1,600	1,600
Secondary	500.0	500	500	400
Urban	700.0	700	700	600
Forest/public lands	50.0	50	50	50
Bridges	1,000.0	1,300	1,300	1,300
Safety construction	100.0	150	150	150
Emergency relief	100.0	100	100	100
Interstate substitution	150.0	250	250	300
Demonstration projects	54.5			
Total budget authority	5,254.5	6,250	6,250	6,600
Less existing budget authority	1,050.0	350	350	400
Net additional budget authority	4,204.5	5,900	5,900	6,200

The total budget authority provided for fiscal year 1983 for the above federal-aid highway programs replaces the $800 million of existing contract authority established by the Federal-Aid Highway Act of 1981 (P.L. 97–134) for the 4–R program, and existing contract authority for the emergency relief program, which is currently funded at $100 million per year for fiscal years after 1976. In addition, under current law the interstate substitution program is authorized for such sums as may be necessary from general funds, subject to appropriations action. This bill provides direct spending at specific funding levels from the Highway Trust Fund. The budget authority and associated outlays are not included in the cost estimate section because they are not additional costs attributable to this bill. The Highway Act of 1981 also provided $55 million in contract authority for fiscal year 1983 for the California Redwoods By-Pass project, which is not affected by this bill.

This bill further provides authorization of appropriations for the Indian reservation roads program at $83 million a year for fiscal years 1983 through 1986. It also rescinds $25 million in unappropriated authorizations for certain highway programs.

The outlays for the affected programs were estimated using recent historical disbursement rates applies to the net additional funding attributable to this bill. Under the obligation ceiling of $8.2 billion for the federal-aid highway account (not including outlays from the Indian reservation roads program. the interstate substitution projects, and demonstration projects, which are not subject to the obligation limitation), total outlays for fiscal year 1983 for that account are estimated to be $8.110 billion.

7. Estimate comparison: The Administration estimates outlays for the federal-aid highway account to be $8.026 billion in fiscal year 1983, assuming an obligation ceiling of $7.7 billion. For the interstate substitution grant program, the Administration has requested $150 million per year for 1983 through 1986.

8. Previous CBO estimate: None.

9. Estimate prepared by: Patrick J. McCann.

10. Estimate approved by:

C. G. NUCKOLS
(For James L. Blum,
Assistant Director for Budget Analysis).

ADDITIONAL VIEWS OF SENATOR MOYNIHAN

I am extremely disappointed that Section 108(c) of S. 2315, the Federal-Aid Highway Act of 1982, proposes to end the inflation adjustment for Interstate Transfer projects as of September 30, 1983.

Current law, as interpreted by the Federal Highway Administration, provides for quarterly inflation adjustments to the value of Interstate Transfer projects. This adjustment is absolutely necessary if we are to retain the principle upon which the Interstate Transfer program is based—equity. The value of a substitute project must be kept equal to the potential value of the Interstate segment if cities are to make rational, balanced transportation choices.

I would also submit that it is grossly unfair to change the Interstate Transfer rules this late in the game. The 25 cities that have traded-in segments of the Interstate Highway System have done so under the assumption that the value of the substitute projects will be adjusted for inflation. To end this inflation adjustment would be a serious breach of faith on the part of the Federal government.

Ending the inflation adjustment for Interstate Transfer projects is certainly inconsistent with the pre-eminent goal of our Federal highway program—the rapid completion of the Interstate Highway System. Section 108(c) creates a powerful disincentive for cities to trade-in non-essential segments of the Interstate Highway System, thereby increasing the cost and time necessary to complete the system. It simply makes no sense to, in the name of economy, effectively deny cities the option of trading in Interstate Highway segments that they deem nonessential.

I believe Section 108(c) is unwise and unfair, and I hope to see it removed or modified before enactment of the Federal Aid Highway Act of 1982.

DANIEL P. MOYNIHAN.

ADDITIONAL VIEWS OF SENATOR BAUCUS

Mr. Chairman, I support the multi-year highway authorization bill considered by this committee because I believe that S. 2315 provides some badly needed flexibility for State authorities administering Federal highway programs. The measure also goes as far as we can, under current budget restraints, in addressing the condition of our Nation's highways.

Last year, I expressed my concern over the allocation formula for interstate 4R moneys. The formula in this year's bill is the same as the Senate version last year—based 60 percent on lane miles and 40 percent on vehicle miles traveled. I would like to remind the committee that the old formula was 75 to 25, and that last year the formula adopted in Conference with the House was 55 to 45.

I understand that there may be some interest on the House side in reducing this formula again this year. I hope to have the assurance of the chairman of the Environment and Public Works and the chairman of its Subcommittee on Transportation that the 60 to 40 formula in S. 2315 will be the absolute minimum acceptable this year when and if the authorization measure goes to conference.

The change in the original formula adversely affects the rural States with considerable highway mileage. States with severe frost-thaw problems are especially hard hit. I hope that the Senate will hold firm on the already compromised 60 to 40 formula.

MAX BAUCUS.

ADDITIONAL VIEWS OF SENATOR DOMENICI

I supported the Federal-Aid Highway Act of 1982 as reported out of Committee and commend Senator Symms for his fine work on this legislation. I am concerned, however, about the provision in the bill which eliminates funding for the priority primary system.

The priority primary system was established in 1974 to fund several high volume traffic sections of highways on the Federal-aid primary system which supplemented the Interstate system. The routes are specifically referenced in the law, and in fiscal years 1979–82, $125 million has been set aside annually to finance the program at the discretion of the Secretary of Transportation.

By eliminating this program at this juncture, we are abandoning our commitment to the States which have initiated plans, purchased rights-of-way and proceeded with construction in anticipation of continued Federal assistance. I question this decision, as it seems only equitable that the Congress meet its pledge to complete these important routes in a timely manner.

I recognize the Committee's desire to reduce demands on the Highway Trust Fund. However, this should not be accomplished by reneging on prior commitments. We may not want to add further routes to the priority primary system, but we should be prepared to complete the ones we have started.

Therefore, I urge consideration of the inclusion of a "grandfather" provision in the bill to finish those projects where work has commenced.

PETE V. DOMENICI.

CHANGES IN EXISTING LAW

In compliance with section 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows: Existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman:

TITLE 23.—UNITED STATES CODE

HIGHWAYS

Chapter		Sec.
1.	Federal-Aid Highways	101
2.	Other Highways	201
3.	General Provisions	301
4.	Highway Safety	401

Chapter 1.—FEDERAL-AID HIGHWAYS

Sec.

* * * * * * *

[103. Federal-aid systems.]
103. Federal-aid systems and programs.

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[140. Equal employment opportunity.]
140. Nondiscrimination.

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[143. Economic growth center development highways.]
143. Repealed.

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[147. Priority primary routes.]
147. Repealed.

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[148. Development of a national scenic and recreational highway.]
148 Repealed.

* * * * * * *

[150. Allocation of urban system funds.]
150. Allocation of urban program funds.
[151. Pavement marking demonstration program.]
151. Highway safety improvement program.
[152. Hazard elimination program.]
152. Repealed.

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[155. Access highways to public recreation areas on certain lakes.]
155 Repealed.
[156. Highways crossing Federal projects.]
156. Repealed.
157. Interagency agreements.

Chapter 2—OTHER HIGHWAYS

Sec.

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[202. Apportionment or allocation.]
202. Allocations.

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[204. Forest highways.]
204. Federal lands highways program.

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[206. Park roads and trails.]
206. Repealed.
[207. Parkways.]

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[209. Public lands highways.]
209. Repealed.

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[215. Territories highway development program.]
215. Repealed.

Sec. 101. Definitions and declaration of policy.

(a) As used in this title, unless the context requires otherwise—

* * * * * * *

The term "forest development roads and trails" means a forest road or trail under the jurisdiction of the Forest Service.

The term "Federal lands highways" in accordance with section 204 of this title means forest highways, public lands highways, park roads, parkways, and Indian reservation roads which are public roads.

* * * * * * *

The term [**"Indian reservation roads and bridges"**] *"Indian reservation roads"* means public roads [and bridges], including *public* roads [and bridges] on the Federal-aid systems, that are located within or provide access to an Indian reservation or Indian trust land or restricted Indian land which is not subject to fee title alienation without the approval of the Federal Government, or Indian and Alaska Native villages, groups, or communities in which Indians and Alaskan Natives reside, whom the Secretary of the Interior has determined are eligible for services generally available to Indians under Federal laws specifically applicable to Indians.

* * * * * * *

The term "Federal-aid highways" means highways located on one of the Federal-aid systems or under one of the Federal-aid programs described in section 103 of this title.

* * * * * * *

[The term "park roads and trails" means those roads or trails, including the necessary bridges, located in national parks or monuments, now or hereafter established, or in other areas administered by the National Park Service of the Department of the Interior (excluding parkways authorized by Acts of Congress) and also including approach roads to national parks or monuments authorized by the Act of January 31, 1931 (46 Stat. 1053), as amended.]

The term "park road" means a public road that is located within or provides access to an area in the National Park System.

* * * * * * *

The term "public lands highways" means those main highways through unappropriated or unreserved public lands, nontaxable Indian lands or other Federal reservations, which are on the Federal-aid System or under the Federal-aid programs.

* * * * * * *

[The term "Federal-aid system" means any one of the Federal-aid highway systems described in section 103 of this title.]

The term "Federal-aid program" means any one of the Federal-aid highway programs described in section 103 of this title.

* * * * * * *

The term "Federal-aid [secondary system] *rural program*" means the Federal-aid highway [system] *program* described in subsection (c) of section 103 of this title.

The term "Federal-aid urban [system] *program*" means the Federal-aid highway [system] *program* described in subsection (d) of section 103 of this title.

* * * * * * *

Sec. 103. [Federal-aid systems.] *Federal-aid systems and programs.*

(a) [For the purposes of this title, the four Federal-aid systems, the primary system, the urban system, the secondary system, and the Interstate System, are established and continued pursuant to the provisions of this section.]

For the purpose of this title, the Federal-aid systems, which consist of the primary system and the Interstate System, along with the Federal-aid programs, which consist of the Federal-aid rural program and the Federal-aid urban program, are established and continued pursuant to the provisions of this section.

* * * * * * *

[(c)(1) The Federal-aid secondary system shall be selected by the State highway departments and the appropriate local road officials in cooperation with each other, subject to approval by the Secretary as provided in subsection (f) of this section. In making such selections, farm-to-market roads, rural mail routes, public school bus routes, local rural roads, access roads to airports, county roads, township roads, and roads of the county road class may be included, so long as they are not on the Federal-aid primary system or the Interstate System. This system may be located both in rural and urban areas, but any extension of the system into urban areas shall be subject to the condition that such extension pass through the urban area or connect with another Federal-aid system within the urban area.

[(2) After June 30, 1976, the Federal-aid secondary system shall consist of rural major collector routes. The Federal-aid secondary system shall be designated by each State through its State highway department and appropriate local officials in cooperation with each other, subject to the approval of the Secretary as provided in subsection (f) of this section.]

(c) The Federal-aid rural program shall be selected by the State highway agencies and the appropriate local road officials in cooperation with each other, subject to approval by the Secretary as provided in subsection (f) of this section and section 105 of this title. In making such selections, the needs of agriculture roads, rural mail routes, public school bus routes, local rural roads, airport and water port access roads, and goods movement shall be considered. All public roads, except those on the primary system, the Interstate System, and those in urban areas are eligible. Projects to improve highway safety and nonurbanized public transportation projects, including facilities and technical assistance, are also eligible for assistance under this section. The applicable provisions of chapters 1 and 3 of this title, including provisions applicable to Federal-aid systems, shall apply to rural programs, except those provisions determined by the Secretary to be inconsistent with this subsection.

[(d) (1) The Federal-aid urban system shall be established in each urbanized area, and in such other urban areas as the State highway department may designate. The system shall be so located as to serve the major centers of activity, and shall include high traffic volume arterial and collector routes, including access roads to airports and other transportation terminals. No route on the Federal-aid urban system shall also be a route on any other Federal-aid system. Each route of the system to the extent feasible shall connect with another route on a Federal-aid system. Routes on the Federal-aid urban system shall be selected by the appropriate local officials so as to serve the goals and objectives of the community, with the concurrence of the State highway departments, and, in urbanized areas, also in accordance with the planning process under section 134 of this title. Designation of the Federal-aid urban system shall be subject to the approval of the Secretary as provided in subsection (f) of this section. The provisions of chapters 1, 3, and 5 of this title that are applicable to Federal-aid primary highways shall apply to the Federal-aid urban system except as determined by the Secretary to be inconsistent with this subsection.

[(2) After June 30, 1976, the Federal-aid urban system shall be located in each urbanized area and such other urban areas as the State highway departments may designate and shall consist of arterial routes and collector routes, exclusive of urban extensions of the Federal-aid primary system. The routes on the Federal-aid urban system shall be designated by appropriate local officials, with the concurrence of the State highway departments, subject to the approval of the Secretary as provided in subsection (f) of this section, and in the case of urbanized areas shall also be in accordance with the planning process required pursuant to the provisions of section 134 of this title.]

(d) The Secretary may approve Federal-aid urban programs in urban areas which programs shall be selected by the appropriate local officials so as to serve the goals and objectives of the community, with the concurrence of the State highway department, as provided in section 105 of this title. The programs shall facilitate transportation in the urban area and include projects to: reduce congestion and improve the flow of traffic on arterial and collector routes, aid integration of different transportation modes to and from airports and other terminals and business districts, support clean air and energy conserva-

tion objectives, make highway capital improvements, improve highway safety, eliminate safety hazards and roadside obstacles, implement transportation systems management activities and serve other national goals and objectives. All public roads in urban areas are eligible except those on the primary system and the Interstate System. The applicable provisions of chapters 1 and 3 of this title, including provisions applicable to Federal-aid systems, shall apply to urban programs, except those provisions determined by the Secretary to be inconsistent with this subsection. The Secretary shall not waive the applicability of the planning requirements of section 134 of this title.

(e)

* * * * * * *

(4) Upon the joint request of a State Governor and the local governments concerned, the Secretary may withdraw his approval of any route or portion thereof on the Interstate System [which is within an urbanized area or which passes through and connects urbanized areas within a State and] which was selected and approved in accordance with this title, if he determines that such route or portion thereof is not essential to completion of a unified and connected Interstate System and if he receives assurances that the State does not intend to construct a toll road in the traffic corridor which would be served by the route or portion thereof. When the Secretary withdraws his approval under this paragraph, a sum equal to the Federal share of the cost to complete the withdrawn route or portion thereof, as that cost is included in the latest Interstate System cost estimate approved by Congress, or up to and including the approved 1983 interstate cost estimate, whichever is earlier, subject to increase or decrease, as determined by the Secretary based on changes in construction costs of the withdrawn route or portion thereof as of [the date of enactment of the Federal-Aid Highway Act of 1976 or] the date of approval of each substitute project under this paragraph, [whichever is later, and in accordance with the design of the route or portion thereof that is the basis of the latest cost estimate,] or the date of approval of the 1983 interstate cost estimate, whichever is earlier, shall be available to the Secretary to incur obligations for the Federal share of either public mass transit projects involving the construction of fixed rail facilities or the purchase of passenger equipment including rolling stock, for any mode of mass transit, or both, or projects authorized under any highway assistance program under section 103 of this title; or both, [which will serve the urbanized area and the connecting non-urbanized area corridor from which the Interstate route or portion thereof was withdrawn, which are selected by the responsible local officials of the urbanized area or area to be served, and which are submitted by the Governor of the State in which the withdrawn route was located.] *which will serve the area or areas from which the interstate route or portion thereof was withdrawn, which are selected by the responsible local officials of the area or areas to be served, and which are selected by the Governor or the Governors of the State or the States in which the withdrawn route was located if the withdrawn route was not within an urbanized area or did not pass through and connect urbanized areas, and which are submitted by the Governor of the* States in which the withdrawn route was located. Substitute projects

under this paragraph may not be approved by the Secretary under this paragraph after September 30, 1983, and the Secretary shall not approve any withdrawal of a route under this paragraph after such date, except that this sentence shall not apply to any route which on the date of enactment of the Federal-Aid Highway Act of 1978 is under judicial injunction prohibiting its construction. Approval by the Secretary of the plans, specifications, and estimates for a substitute project shall be deemed to be a contractual obligation of the Federal Government. The Federal share of each substitute project shall not exceed 85 per centum of the cost thereof. The sums available for obligation shall remain available until obligated. The sums obligated for mass transit projects shall become part of, and be administered through, the Urban Mass Transportation Fund. There are authorized to be appropriated for liquidation of the obligations incurred under this paragraph such sums as may be necessary out of the general fund of the Treasury. Unobligated apportionments for the Interstate System in any State where a withdrawal is approved under this paragraph shall, on the date of such approval, be reduced in the proportion that the Federal share of the cost of the withdrawn route or portion thereof bears to the Federal share of the total cost of all Interstate routes in that State as reflected in the latest cost estimate approved by the Congress. In any State where the withdrawal of an Interstate route or portion thereof has been approved under section 103(e)(4) of this title prior to the date of enactment of the Federal-Aid Highway Act of 1976, the unobligated apportionments for the Interstate System in that State on the date of enactment of the Federal-Aid Highway Act of 1976 shall be reduced in the proportion that the Federal share of the cost to complete such route or portion thereof, as shown on the latest cost estimate approved by Congress prior to such approval of withdrawal, bears to the Federal share of the cost of all Interstate routes in that State, as shown on such cost estimate, except that the amount of such proportional reduction shall be credited with the amount of any reduction in such State's Interstate apportionment which was attributable to the Federal share of any substitute project approved under this paragraph prior to enactment of such Federal-Aid Highway Act. Funds available for expenditure to carry out the purposes of this paragraph shall be supplementary to and not in substitution for funds authorized and available for obligation pursuant to the Urban Mass Transportation Act of 1964, as amended. The provisions of this paragraph as amended by the Federal-Aid Highway Act of 1976, shall be effective as of August 13, 1973. The provisions of section 3(e)(4) of the Urban Mass Transportation Act of 1964, as amended, shall apply in carrying out this paragraph. After the date of enactment of this sentence, the Secretary may not designate any mileage as part of the Interstate System pursuant to this paragraph or under any other provision of law. The preceding sentence shall not apply to a designation made under section 139 of this title. After September 30, 1979, the Secretary shall not withdraw his approval under this paragraph of any route or portion thereof on the Interstate System open to traffic before the date of the proposed withdrawal. Any withdrawal of approval of any such route or portion thereof before September 30, 1979, is hereby determined to be authorized by this paragraph. Any route or segment thereof added to the Interstate

System after March 7, 1978, pursuant to specific legislation will not be eligible for withdrawal and substitution under this subsection.

* * * * * * *

(f) [The Secretary shall have authority to approve in whole or in part the Federal-aid primary system, the Federal-aid secondary system, the Federal-aid urban system, and the Interstate System, as and when such systems or portions thereof are designated, or to require modifications or revisions thereof. No Federal-aid system or portion thereof shall be eligible for projects in which Federal funds participate until approved by the Secretary.] *The Secretary shall have authority to approve in whole or in part the Federal-aid primary system, the Federal-aid rural program, the Federal-aid urban program, and the Interstate System, as and when such systems and programs or portions thereof are designated, or to require modifications or revisions thereof. No Federal-aid system or program or portion thereof shall be eligible for projects in which Federal funds participate until approved by the Secretary.*

[(g) The Secretary, on July 1, 1974, shall remove from designation as a part of the Interstate System each segment of such system for which a State has not notified the Secretary that such State intends to construct such segment, and which the Secretary finds is not essential to completion of a unified and connected Interstate System. Any segment of the Interstate System, with respect to which a State has not submited by July 1, 1975, a schedule for the expenditure of funds for completion of construction of such segment or alternative segment within the period of availability of funds authorized to be appropriated for completion of the Interstate System, and with respect to which the State has not provided the Secretary with assurances satisfactory to him that such schedule will be met, shall be removed from designation as a part of the Interstate System. No segment of the Interstate System removed under the authority of the preceding sentence shall thereafter be designated as a part of the Interstate System except as the Secretary finds necessary in the interest of national defense or for other reasons of national interest. This subsection shall not be applicable to any segment of the Interstate System referred to in section 23(a) of the Federal-Aid Highway Act of 1968.]

[(h) Notwithstanding subsections (e)(2) and (g) of this section, in any case where a segment of the Interstate System was a designated part of such System on June 1, 1973, and is entirely within the boundaries of an incorporated city and such city enters into an agreement with the Secretary to pay all non-Federal costs of construction of such segment, such segment shall be constructed.]

Sec. 104. Apportionment.

(a) Whenever an apportionment is made of the sums authorized to be appropriated for expenditure upon the Federal-aid systems and programs, the Secretary shall deduct a sum, in such amount not to exceed 3¾ per centum of all sums so authorized, as the Secretary may deem necessary for administering the provisions of law to be financed from appropriations for the Federal-aid ssytems and programs and for carrying on the research authorized by subsections (a) and (b) of section 307 of this title. In making such determination, the Secretary shall take into account the unexpended balance of any sums

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deducted for such purposes in prior years. The sum so deducted shall be available for expenditure from the unexpended balance of any appropriation made at any time for expenditure upon the Federal-aid system and programs, until such sum has been expended.

(b) On October 1 of each fiscal year except as provided in paragraphs (4) and (5) of this subsection, the Secretary, after making the deduction authorized by subsection (a) of this section, shall apportion the remainder of the sums authorized to be appropriated for expenditure upon the Federal-aid systems and programs for that fiscal year, among the several States in the following manner:

(1) For the Federal-aid primary system (including extensions in urban areas [and priority primary routes]—

Two-thirds according to the following formula: one-third in the ratio which the area of each State bears to the total area of all the States, one-third in the ratio which the population of rural areas of each State bears to the total population of rural areas of all the States as shown by the latest available Federal census, and one-third in the ratio which the mileage of rural delivery routes and intercity mail routes where service is performed by motor vehicles in each State bears to the total mileage of rural delivery and intercity mail routes where service is performed by motor vehicles, as shown by a certificate of the Postmaster General, which he is directed to make and furnish annually to the Secretary; and one-third as follows: in the ratio which the population in urban areas in each State bears to the total population in urban areas in all the States as shown by the latest Federal census. No state [(other than the District of Columbia)] shall receive less than one-half of 1 per centum of each year's apportionment.

(2) For the Federal-aid [secondary system] *rural program*:

One-third in the ratio which the area of each State bears to the total area of all the States; one-third in the ratio which the population of rural areas of each State bears to the total population of rural areas of all of the States as shown by the latest available Federal census; and one-third in the ratio which the mileage of rural delivery and intercity mail routes where service is performed by motor vehicles, certified as above provided, in each State bears to the total mileage of rural delivery and intercity mail routes where service is performed by motor vehicles in all the States. No State (other than the District of Columbia) shall receive les than one-half of 1 per centum of each year's apportionment.

(4) [(6)] For the Federal-aid urban [system] program:

In the ratio which the population in urban areas, or parts thereof, in each State bears to the total population in such urban areas, or parts thereof, in all the States as shown by the latest available Federal census.

No State shall receive less than one-half of 1 per centum of each year's apportionment.

(c) (1) Subject to subsection (d), the amount apportioned in any fiscal year [commencing with the apportionment of funds authorized to be appropriated under subsection (a) of section 102 of the Federal-

Aid Highway Act of 1956 (70 Stat. 374),] to each State in accordance with paragraph (1) or (2) of subsection (b) of this section may be transferred from the apportionment under one paragraph to the apportionment under the other paragraph if such a transfer is requested by the State highway department and is approved by the Governor of such State and the Secretary as being in the public interest.

(2) Subject to subsection (d), the amount apportioned in any fiscal year to each State in accordance with paragraph (1) or (6) of subsection (b) of this section may be transferred from the apportionment under one paragraph to the apportionment under the other paragraph if such transfer is requested by the State highway department and is approved by the Governor of such State and the Secretary as being in the public interest. Funds apportioned in accordance with paragraph (6) of subsection (b) of this section shall not be transferred from this allocation to any urbanized area of two hundred thousand population or more under section 150 of this title, without the approval of the local officials of such urbanized area.

(d) Each transfer of apportionments under subsection (c) of this section shall be subject to the following conditions:

(1) In the case of the transfers under paragraph (1), the total of all transfers during any fiscal year to any apportionment shall not increase the original amount of such apportionment for such fiscal year by more than [50] *100* per centum. Not more than [50] *100* per centum of the original amount of an apportionment for any fiscal year shall be transferred to other apportionments.

(2) In the case of transfers under paragraph (2), the total of all transfers during any fiscal year to any apportionment shall not increase the original amount of such apportionment for such fiscal year by more than [50] *100* per centum. Not more than [50] *100* per centum of the original amount of an apportionment for any fiscal year shall be transferred to other apportionments.

(3) No transfer shall be made from an apportionment during any fiscal year if during such fiscal year a transfer has been made to such apportionment.

(4) No transfer shall be made to an apportionment during any fiscal year if during such fiscal year a transfer has been made from such apportionment.

* * * * * * *

(f) (1) On October 1 of each fiscal year, the Secretary, after making the deduction authorized by subsection (a) of this section, shall set aside not to exceed one-half per centum of the remaining funds authorized to be appropriated for expenditure upon the Federal-aid systems and programs, for the purpose of carrying out the requirements of section 134 of this title except that in the case of funds authorized for apportionment on the Interstate System, the Secretary shall set aside that portion of such funds (subject to the overall limitation of one-half of 1 per centum) on October 1 of the year next preceding the fiscal year for which such funds are authorized for such System.

(2) These funds shall be apportioned to the States in the ratio which the population in urbanized areas or parts thereof, in each State bears to the total population in such urbanized areas in all the States as

shown by the latest available census, except that no State shall receive less than one-half per centum of the amount apportioned.

(3) The funds apportioned to any State under paragraph (2) of this subsection shall be made available by the State to the metropolitan planning organizations designated by the State as being responsible for carrying out the provisions of section 134 of this title, except that States receiving the minimum apportionment under paragraph (2) may, in addition, subject to the approval of the Secretary, use the funds apportioned to finance transportation planning outside of urbanized areas. These funds shall be matched in accordance with section 120 of this title unless the Secretary determines that the interests of the Federal-aid highway program will be best served without such matching.

(4) The distribution within any State of the planning funds made available to agencies under paragraph (3) of this subsection shall be in accordance with a formula developed by each State and approved by the Secretary which shall consider but not necessarily be limited to, population, status of planning, and metropolitan area transportation needs.

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[(h) The Secretary shall submit to Congress not later than the 20th day of each calendar month which begins after the date of enactment of this subsection a report on (1) the amount of obligation, by State, for Federal-aid highways and the highway safety construction programs during the preceding calendar month, (2) the cumulative amount of obligation, by State, for that fiscal year, (3) the balance as of the last day of such preceding month of the unobligated apportionment of each State by fiscal year, and (4) the balance of unobligated sums available for expenditure at the discretion of the Secretary for such highways and programs for the fiscal year.]

Sec. 105. Programs.

(a) As soon as practicable after the apportionments for the Federal-aid systems and programs have been made for any fiscal year, the State highway department of any State desiring to avail itself of the benefits of this chapter shall submit to the Secretary for his approval a program or programs of proposed projects for the utilization of the funds apportioned. The Secretary shall act upon programs submitted to him as soon as practicable after the same have been submitted. The Secretary may approve a program in whole or in part [but he shall not approve any project in a proposed program which is not located upon an approved Federal-aid system].

(b) In approving programs for [projects on the Federal-aid secondary system] *projects, as defined by the Secretary and which are not on the Interstate System except for the construction phase of Interstate resurfacing, restoration, rehabilitation, and reconstruction projects,* the Secretary shall require that such projects be selected by the State highway department and the appropriate local officials in cooperation with each other, except in States where all public roads and highways are under the control and supervision of the State highway department such selection shall be made after consultation with appropriate local officials.

* * * * * * *

(d) In approving [programs for] projects [on the Federal-aid urban system] *under the Federal-aid urban program*, the Secretary shall require that such projects be selected by the appropriate local officials with the concurrence of the State highway department of each State and, in urbanized areas, also in accordance with the planning process required pursuant to section 134 of this title.

Sec. 106. Plans, specifications, and estimates.

* * * * * * *

[(b) In addition to the approval required under subsection (a) of this section, proposed specifications for projects for construction on (1) the Federal-aid secondary system, except in States where all public roads and highways are under the control and supervision of the State highway department, and (2) the Federal-aid urban system, shall be determined by the State highway department and the appropriate local road officials in cooperation with each other.]

(b) In addition to the approval required under subsection (a) of this section, proposed specifications for projects for construction, as defined by the Secretary and which are not on the Interstate System except for the construction phase of Interstate resurfacing, restoration, rehabilitation and reconstruction projects, except in States where all public roads and highways are under the control and supervision of the State highway department, shall be determined by the State highway department and the appropriate local road officials in cooperation with each other.

* * * * * * *

(d) In such cases as the Secretary determines advisable, plans, specifications, and estimates for proposed projects on any Federal-aid system or under any Federal-aid program shall be accompanied by a value engineering or other cost reduction analysis.

Sec. 108. Advance acquisition of rights-of-way.

(a) For the purpose of facilitating the acquisition of rights-of-way on any of the Federal-aid highway systems, including the Interstate System, or under any of the Federal-aid highway programs, in the most expeditious and economical manner, and recognizing that the acquisition of rights-of-way requires lengthy planning and negotiations if it is to be done at a reasonable cost, the Secretary, upon the request of the State highway department, is authorized to make available the funds apportioned to any State for expenditure on any of the Federal-aid highway systems and programs, including the Interstate System, for acquisition of rights-of-way, in anticipation of construction and under such rules and regulations as the Secretary may prescribe. The agreement between the Secretary and the State highway department for the reimbursement of the cost of such rights-of-way shall provide for the actual construction of a road on such rights-of-way within a period not exceeding ten years following the fiscal year in which such request is made unless a longer period is determined to be reasonable by the Secretary.

* * * * * * *

(c)(1) There is hereby established in the Treasury of the United States a revolving fund to be known as the right-of-way revolving fund which shall be administered by the Secretary in carrying out the

provisions of this subsection. Sums authorized to be appropriated to the right-of-way revolving fund shall be available for expenditure without regard to the fiscal year for which such sums are authorized.

(2) For the purpose of acquiring rights-of-way for future construction of highways on any Federal-aid system or under any Federal-aid program and for making payments for the moving or relocation of persons, businesses, farms, and other existing uses of real property caused by the acquisition of such rights-of-way, in addition to the authority contained in subsection (a) of this section, the Secretary, upon request of a State highway department, is authorized to advance funds, without interest, to the State from amounts available in the right-of-way revolving fund, in accordance with rules and regulations prescribed by the Secretary. Funds so advanced may be used to pay the entire costs of projects for the acquisition of rights-of-way, including the net cost to the State of property management, if any, and related moving and relocation payments.

(3) Actual construction of a highway on rights-of-way, with respect to which funds are advanced under this subsection, shall be commenced within a period of not less than two years nor more than ten years following the end of the fiscal year in which the Secretary approves such advance of funds, unless the Secretary, in his discretion, shall provide for an earlier or later termination date. Immediately upon the termination of the period of time within which actual construction must be commenced, in the case of any project where such construction is not commenced before such termination, or upon approval by the Secretary of the plans, specifications, and estimates for such project for the actual construction of a highway on rights-of-way with respect to which funds are advanced under this subsection, whichever shall occur first, the right-of-way revolving fund shall be credited with an amount equal to the Federal share of the funds advanced, as provided in section 120 of this title, out of any Federal-aid highway funds apportioned to the State in which such project is located and available for obligation por projects on the Federal-aid system or under the Federal-aid program of which such project is to be a part, and the State shall reimburse the Secretary in an amount equal to the non-Federal share of the funds advanced for deposit in, and credit to, the right-of-way revolving fund.

Sec. 109. Standards.

(a) The Secretary shall not approve plans and specifications for proposed projects on any Federal-aid system or under any Federal-aid program if they fail to provide for a facility (1) that will adequately meet the existing and probable future traffic needs and conditions in a manner conducive to safety, durability, and economy of maintenance; (2) that will be designed and constructed in accordance with standards best suited to accomplish the foregoing objectives and to conform to the particular needs of each locality.

* * * * * * *

(c) [Projects on the Federal-aid secondary system] *Federal-aid rural program projects* in which Federal funds participate shall be constructed according to specifications that will provide all-weather service and permit maintenance at a reasonable cost.

* * * * * * *

(e) [No funds shall be approved for expenditure on any Federal-aid highway] *No funds shall be approved for expenditure on any highway on the Federal-aid highway system or under the Federal-aid highway program*, or highway affected under chapter 2 of this title, unless proper safety protective devices complying with safety standards determined by the Secretary at that time as being adequate shall be installed or be in operation at any highway and railroad grade crossing or drawbridge on that portion of the highway with respect to which such expenditures are to be made.

* * * * * * *

(h) Not later than July 1, 1972, the Secretary, after consultation with appropriate Federal and State officials, shall submit to Congress, and not later than 90 days after such submission, promulgate guidelines designed to assure that possible adverse economic, social, and environment effects relating to any proposed project on any Federal-aid system or under any Federal-aid program have been fully considered in developing such project, and that the final decisions on the project are made in the best overall public interest, taking into consideration the need for fast, safe and efficient transportation, public services, and the costs of eliminating or minimizing such adverse effects and the following:

(1) air, noise, and water pollution;

(2) destruction or disruption of man-made and natural resources, aesthetic values, community cohesion and the availability of public facilities and services;

(3) adverse employment effects, and tax and property value losses;

(4) injurious displacement of people, businesses and farms; and

(5) disruption of desirable community and regional growth.

Such guidelines shall apply to all proposed projects with respect to which plans, specifications, and estimates are approved by the Secretary after the issuance of such guidelines.

(i) The Secretary, after consultation with appropriate Federal, State, and local officials, shall develop and promulgate standards for highway noise levels compatible with different lands uses and after July 1, 1972, shall not approve plans and specifications for any proposed project on any Federal-aid system or under any Federal-aid program for which location approval has not yet been secured unless he determines that such plans and specifications include adequate measures to implement the appropriate noise level standards. The Secretary, after consultation with the Administrator of the Environmental Protection Agency and appropriate Federal, State, and local officials, may promulgate standards for the control of highway noise levels for highways on any Federal-aid system or under any Federal-aid program for which project approval has been secured prior to July 1, 1972. The Secretary may approve any project on a Federal-aid system or under a Federal-aid program to which noise-level standards are made applicable under the preceding sentence for the purpose of carrying out such standards. Such project may include, but is not limited to, the acquisition of additional rights-of-way, the construction of physical barriers, and landscaping. Sums apportioned for the

Federal-aid system or program on or under which such project will be located shall be available to finance the Federal share of such project. Such project shall be deemed a highway project for all purposes of this title.

* * * * * * *

(l) (1) In determining whether any right-of-way on any Federal-aid system or under any Federal-aid program should be used for accommodating any utility facility, the Secretary shall –

(A) first ascertain the effect such use will have on highway and traffic safety, since in no case shall any use be authorized or otherwise permitted, under this or any other provision of law, which would adversely affect safety;

(B) evaluate the direct and indirect environmental and economic effects of any loss of productive agricultural land or any impairment of the productivity of any agricultural land which would result from the disapproval of the use of such right-of-way for the accommodation of such utility facility; and

(C) consider such environmentl and economic effects together with any interference with or impairment of the use of the highway in such right-of-way which would result from the use of such right-of-way for the accommodation of such utility facility.

(2) For the purpose of this subsection—

(A) the term "utility facility" means any privately, publicly, or cooperatively owned line, facility, or system for producing, transmitting, or distributing communications, power, electricity, light, heat, gas, oil, crude products, water, steam, waste, storm water not connected with highway drainage, or any other similar commodity, including any fire or police signal system or street lighting system, which directly or indirectly serves the public; and

(B) the term "right-of-way" means any real property, or interest therein, acquired, dedicated, or reserved for the construction, operation, and maintenance of a highway.

[(m) The Secretary shall issue guidelines describing criteria applicable to the Interstate System in order to ensure that the condition of these routes is maintained at the level required by the purposes for which they were designed. The initial guidelines shall be issued no later than October 1, 1979.]

(*m*) [(n)] The Secretary shall not approve any project under this title that will result in the severance or destruction of an existing major route for non-motorized transportation traffic and light motorcycles, unless such project provides a reasonably alternate route or such a route exists.

Sec. 112. Letting of contracts.

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(e) The provisions of this section shall not be applicable to contracts for [projects on the Federal-aid secondary system] *projects, as defined by the Secretary and which are not on the Interstate System except for the construction phase of Interstate resurfacing, restoration, rehabilitation, and reconstruction projects*, in those States where the Secretary has discharged his responsibility pursuant to section 117 of this title.

Sec. 113. Prevailing rate of wage.

(a) The Secretary shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors on the initial construction work performed on highway projects on the Federal-aid systems, [the primary and secondary, as well as their extensions in urban areas, and the Interstate System, authorized under the highway laws providing for the expenditure of Federal funds upon the Federal-aid systems,] *the primary as well as its extensions in urban areas, and the Interstate System, or under the Federal-aid programs, authorized under the highway laws providing for the expenditure of Federal funds upon the Federal-aid systems and programs*, shall be paid wages at rates not less than those prevailing on the same type of work on similar construction in the immediate locality as determined by the Secretary of Labor in accordance with the Act of August 30, 1935, known as the Davis-Bacon Act (40 U.S.C. 267a).[1]

(b) In carrying out the duties of subsection (a) of this section, the Secretary of Labor shall consult with the highway department of the State in which a project on any of the Federal-aid systems or under any of the Federal-aid programs is to be performed. After giving due regard to the information thus obtained, he shall make a predetermination of the minimum wages to be paid laborers and mechanics in accordance with the provisions of subsection (a) of this section which shall be set out in each project advertisement for bids and in each bid proposal form and shall be made a part of the contract covering the project.

Sec. 114. Construction.

[(a) The construction of any highways or portions of highways located on a Federal-aid system shall be undertaken by the respective State highway departments or under their direct supervision. Except as provided in section 117 of this title, such construction shall be subject to the inspection and approval of the Secretary. The construction work and labor in each State shall be performed under the direct supervision of the State highway department and in accordance with the laws of that State and applicable Federal laws. Construction may begin as soon as funds are available for expenditure pursuant to subsection (a) of section 118 of this title. After July 1, 1973, the State highway department shall not erect on any project where actual construction is in progress, and visible to highway users any informational signs other than official traffic control devices conforming with standards developed by the Secretary of Transportation.]

(a) The construction of any highways or portions of highways located on a Federal-aid system or under a Federal-aid program shall be undertaken by the respective State highway departments or under their direct supervision. The construction work and labor in each State shall be in accordance with the laws of that State and applicable Federal laws. Except as provided in section 117 of this title, the Secretary shall establish procedures for the inspection and approval of such construction. Construction may begin as soon as funds are available pursuant to subsection (a) of section 118 of this title. The State

[1] So in original—should be 276a.

highway department shall not erect any informational signs other than official traffic control devices conforming with standards developed by the Secretary on any project where actual construction is in progress and visible to highway users.

Sec. 115. Construction by States in advance of apportionment.

[(a) When a State has obligated all funds for any of the Federal-aid systems, other than the Interstate System, apportioned to it under section 104 of this title, and proceeds to construct any project without the aid of Federal funds, including one or more parts of any project, on any of the Federal-aid systems in such State, other than the Interstate System, as any of those systems may be designated at that time, in accordance with all procedures and all requirements applicable to projects on any such system, except insofar as such procedures and requirements limit a State to the construction of projects with the aid of Federal funds previously apportioned to it, the Secretary, upon application by such State and his approval of such application, is authorized to pay to such State the Federal share of the costs of construction of such project when additional funds are apportioned to such State under section 104 of this title if—

(1) prior to the construction of the project the Secretary approves the plans and specifications therefor in the same manner as other projects on the Federal-aid system involved, and

(2) the project conforms to the applicable standards adopted under section 109 of this title;

The Secretary may not approve an application under this section unless an authorization is in effect for the fiscal year for which the application is sought beyond the currently authorized funds for such State and that no application may be approved which will exceed the State's expected apportionment of such authorization.]

(a) When a State has obligated all funds for the primary system or for any of the Federal-aid programs, other than the Interstate system, apportioned to it under section 104 of this title, and proceeds to construct any projects without the aid of Federal funds, including one or more parts of any project, on the primary system or under any of the Federal-aid programs in such State, other than the Interstate System, as that system may be designated or any of those programs may be comprised at that time, in accordance with all procedures and all requirements applicable to projects on the primary system or under any such program, except insofar as such procedures and requirements limit a State to the construction of projects with the aid of Federal funds previously apportioned to it, the Secretary, upon application by such State and his approval of such application, is authorized to pay to such State the Federal share of the costs of construction of such project when additional funds are apportioned to such State under section 104 of this title if—

(1) prior to the construction of the project the Secretary approves the plans and specifications therefor in the same manner as other projects on the primary system or under the Federal-aid program involved, and

(2) the project conforms to the applicable standards adopted under section 109 of this title.

The Secretary may not approve an application under this section unless an authorization is in effect for the fiscal year for which the ap-

plication is sought beyond the currently authorized funds for such State and that no application may be approved which will exceed the State's expected apportionment of such authorization.

* * * * * * *

Sec. 116. Maintenance.

(a) It shall be the duty of the State highway department to maintain, or cause to be maintained any project constructed under the provisions of this chapter or constructed under the provisions of prior Acts. [The State's obligation to the United States to maintain any such project shall cease when it no longer constitutes a part of a Federal-aid system.]

(b) In any State wherein the State highway department is without legal authority to maintain a project [constructed on the Federal-aid secondary system, or within a municipality,] such highway department shall enter into a formal agreement for its maintenance with the appropriate officials of the county or municipality in which such project is located.

(c) If at any time the Secretary shall find that any project constructed under the provisions of this chapter, or constructed under the provisions of prior Acts, is not being properly maintained, he shall call such fact to the attention of the State highway department. [If, within ninety days after receipt of such notice, such project has not been put in proper condition of maintenance, the Secretary shall withhold approval of further projects of all types in the entire State until such project shall have been put in proper condition of maintenance, unless such project is subject to an agreement pursuant to subsection (b) of this section, in which case approval shall be withheld only for secondary or urban projects in the county or municipality where such project is located.]

If, within ninety days after receipt of such notice, such project has not been put in proper condition of maintenance, the Secretary shall withhold approval of further projects of all types on one or more of the Federal-aid systems or programs in the State highway district, municipality, county, other political or administrative subdivision of the State, or the entire State, in which such project shall be located, as the Secretary deems most appropriate until such project shall have been put in proper condition of maintenance.

* * * * * * *

(f) The Secretary shall issue guidelines describing the criteria applicable to the Interstate System in order to insure that the condition of these routes is maintained at the level required by the purposes for which they were designed.

(g) Not later than one year after the date of issuance of initial guidelines under subsection (f) of this section each State shall have a program for the Interstate System in accordance with such guidelines. Each State shall certify on January 1 of each year that it has such a program and the Interstate System is maintained in accordance with the program. If a State fails to certify as required or if the Secretary determines a State is not adequately maintaining the Interstate System in accordance with such program, the next apportionment of funds to such State for the Interstate System shall be reduced

by amounts equal to 10 per centum of the amount which would otherwise be apportioned to such State under section 104 of this title. If, within one year from the date the apportionment for a State is reduced under this subsection, the Secretary determines that such State is maintaining the Interstate System in accordance with the guidelines the apportionment of such State shall be increased by an amount equal to the reduction. If the Secretary does not make such a determination within such one year period, the amount withheld shall be reapportioned to all other eligible States.

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Sec. 117. Certification acceptance.

(a) The Secretary may discharge any of his responsibilities under this title relative to [projects on Federal-aid systems, except the Interstate System,] *Federal-aid projects on systems other than the Interstate System* upon the request of any State, by accepting a certification by the State highway department, or that department, commission, board, or official of any State charged by its laws with the responsibility for highway construction, of its performance of such responsibilities, if he finds such projects will be carried out in accordance with State laws, regulations, directives, and standards which will accomplish the policies and objectives contained in or issued pursuant to this title. Notwithstanding the above, the Secretary may discharge any of his responsibilities under this title relative to the physical construction phase of Interstate resurfacing, restoration, rehabilitation, and reconstruction projects using the procedures of this section.

(b) The Secretary shall [make a final inspection of each such project upon its] *establish procedures for the inspection of such projects upon* completion and shall require an adequate report of the estimated, and actual, cost of construction as well as such other information as he determines necessary.

(f) (1) In the case of the [Federal-aid secondary system,] projects, as defined by the Secretary and which are not on the Interstate System, in lieu of discharging his responsibilities in accordance with subsections (a) through (d) of this section, the Secretary may, upon the request of any State highway department, discharge his responsibility relative to the plans, specifications, estimates, surveys, contract awards, design, inspection, and construction of [all projects on the Federal-aid secondary system] such projects by this receiving and approving a certified statement by the State highway department setting forth that the plans, design, and construction for each such project are in accord with those standards and procedures which (A) were adopted by such State highway department, (B) were applicable to projects in this category, and (C) were approved by him.

(2) The Secretary shall not approve such standards and procedures unless they are in accordance with the provisions of subsection (b) of section 105, subsection (b) of section 106, and subsection (c) of section 109, of this title.

(3) [Paragraphs (1) and (2) of this subsection shall not be construed to relieve the Secretary of his obligation to make a final inspection of each project after construction and to require an adequate showing of the estimated cost of construction and the actual cost of construction.] *Paragraphs (1) and (2) of this subsection shall not be*

construed to relieve the Secretary of his obligation to establish procedures for the inspection of such projects upon completion and to require an adequate report of the estimated and actual cost of construction as well as other information as he determines necessary.

Sec. 118. Availability of sums apportioned.

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(d) Funds made available to the State of Alaska under this title may be expended for construction of access and development roads on a Federal-aid system *or under a Federal-aid program* that will serve resource development, recreational, residential commercial, industrial, or other like purposes.

* * * * * * *

Sec. 120. Federal share payable.

(a) [Subject to the provisions of subsection (d) of this section, the Federal share payable on account of any project, financed with primary, secondary, or urban funds, on the Federal-aid primary system, the Federal-aid secondary system, and the Federal-aid urban system shall either] *Subject to the provisions of subsection (d) of this section, the Federal share payable on account of any project, financed with primary, rural, or urban funds, on the Federal-aid primary system, under the Federal-aid rural program, and under the Federal-aid urban program shall either* (A) not exceed 75 per centum of the cost of construction, and 50 per centum of the cost of construction for projects under the Federal-aid urban program, except that in the case of any State containing nontaxable Indian lands, individuals and tribal, and public domain lands (both reserved and unreserved) exclusive of national forests and national parks and monuments, exceeding 5 per centum of the total area of all lands therein, the Federal share shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State, is of its total area, or (B) not exceed 75 per centum of the cost of construction, and 50 per centum of the cost of construction for projects under the Federal-aid rural program and the Federal-aid urban program, except that in the case of any State containing nontaxable Indian lands, individual and tribal, public domain lands (both reserved and unreserved), national forests, and national parks and monuments, the Federal share shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State is of its total area, except that the Federal share payable on any project in a State shall not exceed 95 per centum of the total cost of any such project. In any case where a State elects to have the Federal share provided in clause (B) of this subsection, the State must enter into an agreement with the Secretary covering a period of not less than one year, requiring such State to use solely for highway construction purposes (other than paying its share of projects approved under this title) during the period covered by such agreement the difference between the States share as provided in clause (B) and what its share would be if it elected to pay the share provided clause (A) for all projects subject to such agreement. The Federal share payable on account of any project under the Federal-aid rural program or the Federal-aid urban program which the Secretary has approved prior

to enactment of the Federal-Aid Highway Act of 1982 shall not exceed 75 per centum of the cost of construction subject to the conditions set forth in this subsection or at the option of the State the Federal share may be revised to 50 per centum of such cost, but the Federal share payable for any such project which the Secretary approves after enactment of such Act shall not exceed 50 per centum of the cost of construction subject to the conditions set forth in this subsection.

(d) The Federal share payable on account of any projects for the elimination of hazards of railway-highway crossings, as more fully described and subject to the conditions and limitations set forth in section 130 of this title, and for any project for traffic control signalization, including traffic control signalization projects under section 103 (e) (4) of this title, notwithstanding the provisions of the fifth sentence of section 103(e) (4), or commuter carpooling and vanpooling may amount to 100 per centum of the cost of construction of such projects, except that not more than 75 per centum of the right-of-way and property damage costs, paid from public funds, on any such project, may be paid from sums apportioned in accordance with section 104 of this title: *Provided*, That not more than 10 per centum of all the sums apportioned for all the Federal-aid systems for any fiscal year in accordance with section 104 of this title shall be used under this subsection.

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[(f) The Federal share payable on account of any repair or reconstruction provided for by funds made available under section 125 of this title shall not exceed 75 per centum of the cost thereof: *Provided*, That, in the case of any State containing nontaxable Indian lands, individual and tribal, and public domain lands (both reserved and unreserved) exclusive of national forests and national parks and monuments exceeding 5 per centum of the total area of all lands therein, the Federal share shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State, is of its total area: *Provided further*, That the Federal share payable on account of any repair or reconstruction of forest highways, forest development roads and trails, park roads and trails, parkways, public lands highways, public lands development roads and trails, and Indian reservation roads may amount to 100 per centum of the cost thereof, whether or not such highways, roads or trails are on any Federal-aid highway system. The Secretary may increase the Federal share payable on account of any repair or reconstruction under this section up to 100 per centum of the replacement cost of a comparable facility if he determines it is in the public interest. As used in this section with respect to bridges and in section 144 of this title, "a comparable facility" shall mean a facility which meets the current geometric and construction standards required for the types and volume of traffic which such facility will carry over its design life. Any project agreement for which the final vouched has not been approved by the Secretary on or before the date of this Act may be modified to provide for the Federal share authorized herein.]

(f) The Federal share payable on account of any repair or reconstruction provided for by funds made available under section 125 of this title shall not exceed 75 per centum of the cost thereof: Provided,

That the Federal share payable on account of any repair or reconstruction of forest highways, forest development roads and trails, park roads and trails, parkways, public lands highways, public lands development roads and trails, and Indian reservation roads may amount to 100 per centum of the cost thereof. The total cost of a project may not exceed the cost of repair or reconstruction of a comparable facility. As used in this section with respect to bridges and in section 144 of this title, "a comparable facility" shall mean a facility which meets the current geometric and construction standards required for the types and volume of traffic which such facility will carry over its design life.

(g) The Secretary is authorized to cooperate with the State highway departments and with the Department of the Interior in the construction of [Federal-aid highways] *Federal-aid projects* within Indian reservations and national parks and monuments under the jurisdiction of the Department of the Interior and to pay the amount assumed therefor from the funds apportioned in accordance with section 104 of this title to the State wherein the reservations and national parks and monuments are located.

* * * * * * *

[(i) Notwithstanding any other provision of this section or of this title, the Federal share payable on account of any project under this title in the Virgin Islands, Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands shall be 100 per centum of the total cost of the project.]

(i) The Federal share payable on account of any project financed under section 307(c) of this title shall be 85 per centum, except that in the case of any State containing nontaxable Indian lands, individual and tribal, and public domain lands (both reserved and unreserved) exclusive of national forests and national parks and monuments, exceeding 5 per centum of the total area of all lands therein, the Federal share shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State is of its total area, except that such Federal share payable on any project in any State shall not exceed 95 per centum of the total cost of any such project.

Sec. 121. Payment to States for construction.

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(c) No payment shall be made under this chapter, except for a project located on a Federal-aid system or under a Federal-aid program and covered by a project agreement. No final payment shall be made to a State for its costs of construction of a project until the completion of the construction has been approved by the Secretary [following inspections] pursuant to section 114(a) of this title.

* * * * * * *

Sec. 123. Relocation of utility facilities.

(a) When a State shall pay for the cost of relocation of utility facilities necessitated by the construction of a project on [the Federal-aid primary or secondary systems or on the Interstate System, including extensions thereof within urban areas] *a Federal-aid system or under a Federal-aid program*, Federal funds may be used to reimburse

the State for such cost in the same proportion as Federal funds are expended on the project. Federal funds shall not be used to reimburse the State under this section when the payment to the utility violates the law of the State or violates a legal contract between the utility and the State. Such reimbursement shall be made only after evidence satisfactory to the Secretary shall have been presented to him substantiating the fact that the State has paid such cost from its own funds with respect to Federal-aid highway projects for which Federal funds are obligated subsequent to April 16, 1958, for work, including relocation of utility facilities.

Sec. 124. Advance to States.

(a) If the Secretary shall determine that it is necessary for the expeditious completion of projects on any of the Federal-aid systems, including the Interstate System, *or under any of the Federal-aid programs*, he may advance to any State out of any existing appropriations the Federal share of the cost of construction thereof to enable the State highway department to make prompt payments for acquisition of rights-of-way, and for the construction as it progresses. The sums so advanced shall be deposited in a special revolving trust fund, by the State official authorized under the laws of the State to receive Federal-aid highway funds, to be disbursed solely upon vouchers approved by the State highway department for rights-of-way which have been or are being acquired, and for construction which has been actually performed and approved by the Secretary pursuant to this chapter. Upon determination by the Secretary that any part of the funds advanced to any State under the provisions of this section are no longer required, the amount of the advance, which is determined to be in excess of current requirements of the State, shall be repaid upon his demand, and such repayments shall be returned to the credit of the appropriation from which the funds were advanced. Any sum advanced and not repaid on demand shall be deducted from sums due the State for the Federal pro rata share of the cost of construction of Federal-aid projects.

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Sec. 125. Emergency relief.

(a) [An emergency fund is authorized for expenditure by the Secretary, subject to the provisions of this section and section 120 of this title, for (1) the repair or reconstruction of highways, roads, and trails which he shall find have suffered serious damage as the result of (A) natural disaster over a wide area such as by floods, hurricanes, tidal waves, earthquakes, severe storms, or landslides, or (B) catastrophic failures from any cause, in any part of the United States, and (2) the repair or reconstruction of bridges which have been permanently closed to all vehicular traffic by the State after December 31, 1967, and prior to December 31, 1970, because of imminent danger of collapse due to structural deficiencies or physical deterioration.] *An emergency fund is authorized for expenditure by the Secretary, subject to the provisions of this section and section 120 of this title, for the repair or reconstruction of highways, roads, and trails which the Secretary shall find have suffered serious damage as the result of (1) natural disaster over a wide area such as by floods, hurricanes, tidal waves, earthquakes, severe storms, or landslides, or (2) catastrophic*

failures from any external cause, in any part of the United States. In no event shall funds be used pursuant to this section for the repair or reconstruction of bridges which have been permanently closed to all vehicular traffic by the State or responsible local official because of imminent danger of collapse due to structural deficiencies or physical deterioration. Subject to the following limitations, there is hereby authorized to be appropriated from the Highway Trust Fund such sums as may be necessary to establish the fund authorized by this section and to replenish it on an annual basis: (1) Not more than $50,000,000 is authorized to be expended in any fiscal year ending before July 1, 1972, and not more than $100,000,000 is authorized to be expended in any one fiscal year commencing after June 30, 1972, and ending before June 1, 1976, to carry out the provisions of this section and an additional amount not to exceed $100,000,000 is further authorized to be expended in the fiscal year ending June 30, 1973, to carry out the provisions of this section, and not more than $25,000,000 for the three-month period beginning July 1, 1976, and ending September 30, 1976, is authorized to be expended to carry out the provisions of this section, and not more than $100,000,000 is authorized to be expended in any one fiscal year commencing after September 30, 1976, and not more than $100,000,000 is authorized to be expended in any one fiscal year commencing after September 30, 1980, to carry out the provisions of this section, except that, if in any fiscal year the total of all expenditures under this section is less than the amount authorized to be expended in such fiscal year, the unexpended balance of such amount shall remain available for expenditure during the next two succeeding fiscal years in addition to amounts otherwise available to carry out this section in such years, and (2) prior to the fiscal year ending September 30, 1978, 60 per centum of the expenditures under this section for any fiscal year are authorized to be appropriated from the Highway Trust Fund and the remaining 40 per centum of such expenditures are authorized to be appropriated only from any moneys in the Treasury not otherwise appropriated, and for any fiscal year thereafter, 100 per centum of such expenditures are authorized to be appropriated out of the Highway Trust Fund. For the purposes of this section the period beginning July 1, 1976, and ending September 30, 1976, shall be deemed to be a part of the fiscal year ending September 30, 1977. Pending such appropriation or replenishment the Secretary may expend from any funds heretofore, or hereafter appropriated for expenditure in accordance with the provisions of this title, including existing Federal-aid appropriations, such sums as may be necessary for the immediate prosecution of the work herein authorized, such appropriations to be reimbursed from the appropriations herein authorized when made.

(b) The Secretary may expend funds from the emergency fund herein authorized for the repair or reconstruction of highways on [the Federal-aid highways systems, including the Interstate System] the Inferstate System, the Primary System, and on any routes functionally classified as arterials or major collectors, in accordance with the provisions of this chapter[.]: *Provided*, That obligations for projects under this section, including those on highways, roads, and trails mentioned in subsection (c) of this section, resulting from a single natural disaster or a single catastrophic failure shall not exceed

$30,000,000 in any State. Notwithstanding any provision of this chapter actual and necessary costs of maintenance and operation of ferryboats providing temporary substitute highway traffic service, less the amount of fares charged, may be expended from the emergency fund herein authorized on [the Federal-aid highway systems, including the Interstate System] *the Interstate System, the Primary System, and on any routes functionally classified as arterials or major collectors.* Except as to highways, roads, and trails mentioned in subsection (c) of this section, no funds shall be so expended unless the Secretary has received an application therefor from the State highway department, and unless an emergency has been declared by the Governor of the State and concurred in by the Secretary, except that if the President has declared such emergency to be a major disaster for the purposes of the Disaster Relief Act of 1974 (Public Law 93–288) concurrence of the Secretary is not required.

(c) The Secretary may expend funds from the emergency fund herein authorized, either independently or in cooperation with any other branch of the Government, State agency, organization, or person, for the repair or reconstruction of forest highways, forest development roads and trails, park roads and trails, parkways, public lands highways, public lands development roads and trails, and Indian reservation roads, whether or not such highways, roads, or trails are [on any of the Federal-aid highway systems] *routes functionally classified as arterials or major collectors.*

Sec. 129. Toll Roads, Bridges, Tunnels, and Ferries.

* * * * * * *

(c) Funds authorized for expenditure on any of the Federal-aid highway systems *and programs* including the Interstate System, shall be available for expenditure on projects approaching any toll road, bridge or tunnel to a point where such * * *

* * * * * * *

(f) Notwithstanding the provisions of section 301 of this title, the Secretary may permit Federal participation under this title in the construction of a project constituting an approach to a ferry, whether toll or free, the route of which has been approved under section 103 (b) or (c) of this title as a part of one of the Federal-aid systems *or programs* and has not been designated as a route on the Interstate System. Such ferry may be either publicly or privately owned and operated, but the operating authority and the amount of fares charged for passage shall be under the control of a State agency or official, and all revenues derived from publicly owned or operated ferries shall be applied to payment of the cost of construction or acquisition thereof, including debt service, and to actual and necessary costs of operation, maintenance, repair, and replacement.

(g) Notwithstanding section 301 of this title, the Secretary may permit Federal participation under this title in the construction of ferry boats, whether toll or free, subject to the following conditions:

(1) It is not feasible to build a bridge, tunnel, combination thereof, or other normal highway structure in lieu of the use of such ferry.

(2) The operation of the ferry shall be on a route which has been approved under section 103 (b) or (c) of this title as a part

of one of the Federal-aid systems *or programs* within the State and has not been designated as a route on the Interstate System.

* * * * * * *

(i) Notwithstanding section 301 of this title, the Secretary may permit federal participation, through funds for any [Federal-aid system other than the Interstate System,] *Federal-aid project other than one of the Interstate System*, in any engineering and fiscal assessments, traffic analyses, network studies, preliminary modification planning, and any other study necessary to determine whether a privately owned toll bridge should be acquired by a State or political subdivision thereof.

Sec. 135. Traffic operations improvement programs.

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(b) The Secretary may approve under this section any project for improvements on any public road which project will directly facilitate and control traffic flow [on any of the Federal-aid systems].

* * * * * * *

Sec. 137. Fringe and corridor parking facilities.

(a) The Secretary may approve as a [project on the Federal-aid urban system] *project under the Federal-aid urban program* the acquisition of land adjacent to the right-of-way outside a central business district, as defined by the Secretary, and the construction of publicly owned parking facilities thereon or within such right-of-way including the use of the air space above and below the established grade line of the highway pavement, to serve an urban area of fifty thousand population or more. Such parking facility shall be located and designed in conjunction with existing or planned public transportation facilities. In the event fees are charged for the use of any such facility, the rate thereof shall not be in excess of that required for maintenance and operation (including compensation to any person for operating such facility).

* * * * * * *

(f) (1) The Secretary may approve for Federal financial assistance from funds apportioned under section 104(b)(5)(B) of this title, projects for designating existing facilities, or for acquisition of rights of way or construction of new facilities, for use as preferential parking for carpools, provided that such facilities (1) are located outside of a central business district and within an interstate highway corridor, and (2) have as their primary purpose the reduction of vehicular traffic on the interstate highway.

(2) Nothing in this subsection, or in any rule or regulation issued under this subsection, or in any agreement required by this subsection, shall prohibit (1) any State, political subdivision, or agency or instrumentality thereof, from contracting with any person to operate any parking facility designated or constructed under this subsection, or (2) any such person from so operating such facility. Any fees charged for the use of any such facility in connection with the purpose of this subsection shall not be in excess of the amount required for operation and maintenance, including compensation to any person for operating the facility.

(3) For the purposes of this subsection, the terms "facilities" and

"parking facilities" are synonymous and shall have the same meaning given "parking facilities" in subsection (c) of this section".

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Sec. 140. [Equal employment opportunity.] *Nondiscrimination.*

(a) Prior to approving any programs for projects as provided for in subsection (a) of section 105 of this title, the Secretary shall require assurances from any State desiring to avail itself of the benefits of this chapter that employment in connection with proposed projects will be provided without regard to race, color, creed [or national origin] *national origin or sex*. He shall require that each State shall include in the advertised specifications, notification of the specific equal employment opportunity responsibilities of the successful bidder. In approving programs for projects on any of the Federal-aid systems or under any of the Federal-aid programs, the Secretary shall, where he considers it necessary to assure equal employment opportunity, require certification by any State desiring to avail itself of the benefits of this chapter that there are in existence and available on a regional, statewide, or local basis, apprenticeship, skill improvement or other upgrading programs, registered with the Department of Labor or the appropriate State agency, if any, which provide equal opportunity for training and employment without regard to race, color, creed [or national origin] *national origin or sex*. The Secretary shall periodically obtain from the Secretary of Labor and the respective State highway departments information which will enable him to judge compliance with the requirements of this section and the Secretary of Labor shall render to the Secretary such assistance and information as he shall deem necessary to carry out the equal employment opportunity program required hereunder.

* * * * * * *

(c) The Secretary, in cooperation with any other department or agency of the Government, State agency, authority, association, institution, corporation (profit or nonprofit), or any other organization or person, is authorized to develop, conduct, and administer training programs and assistance programs in connection with any program under this title in order that minority businesses may achieve proficiency to compete, on an equal basis, for contracts and subcontracts. Whenever apportionments are made under subsection 104(a) of this title, the Secretary shall deduct such sums as he may deem necessary, not to exceed $10,000,000 per fiscal year, for the administration of this subsection. The provisions of section 3709 of the Revised Statute, as amended (41 U.S.C. 5), shall not be applicable to contracts and agreements made under the authority herein granted to the Secretary notwithstanding the provisions of 41 U.S.C. 252(e).

Sec. 141. Enforcement of requirements.

* * * * * * *

[(b) Each State shall certify to the Secretary before January 1 of each year that it is enforcing all State laws respecting maximum vehicle size and weights permitted on the Federal-aid primary system, the Federal-aid urban system, and the Federal-aid secondary system, including the Interstate System in accordance with section 127 of this title.]

(b) Each State shall certify to the Secretary before January 1 of each year that it is enforcing in accordance with section 127 of this title all State laws respecting maximum vehicle size and weights permitted on all roads receiving funds under the Federal-aid program, including the primary system, the Interstate System, and is a route functionally classified as an arterial or major collector.

Sec. 142. Public transportation

(a)(1) To encourage the development, improvement, and use of public mass transportation systems operating motor vehicles (other than on rail) on Federal-aid highways for the transportation of passengers (hereafter in this section referred to as "buses"), so as to increase the traffic capacity of the Federal-aid systems and highways under the Federal-aid programs for the movement of persons, the Secretary may approve [as a project on any Federal-aid system] the construction of exclusive or preferential [bus lanes] *high occupancy vehicle lanes*, highway traffic control devices, bus passenger loading areas and facilities (including shelters), and fringe and transportation corridor parking facilities to serve [bus and other] *high occupancy vehicle and* public mass transportation passengers, and sums apportioned under section 104(b) of this title shall be available to finance the cost of projects under this paragraph. If fees are charged for the use of any parking facility constructed under this section, the rate thereof shall not be in excess of that required for maintenance and operation of the facility (including compensation to any person for operating the facility).

(2) In addition to the projects under paragraph (1), the Secretary may, beginning with the fiscal year ending June 30, 1975, approve as a [project on the Federal-aid urban system] *project under the Federal-aid urban program*, for payment from sums apportioned under section 104(b)(6) of this title, the purchase of buses, and, beginning with the fiscal year ending June 30, 1976, approve as a [project on the Federal-aid urban system] *project under the Federal-aid urban program*, for payment from sums apportioned under section 104(b)(6) of this title, the construction, reconstruction, and improvement of fixed rail facilities, including the purchase of rolling stock for fixed rail, except that not more than $200,000,000 of all sums apportioned for the fiscal year ending June 30, 1975, under section 104(b)(6) shall be available for the payment of the Federal share of projects for the purchase of buses.

(b) Sums apportioned in accordance with paragraph (5) of subsection (b) of section 104 of this title shall be available to finance the Federal share of projects for exclusive or preferential [bus] *high occupancy vehicle*, truck, and emergency vehicle routes or lanes. Routes constructed under this subsection shall not be subject to the third sentence of section 109(b) of this title.

* * * * * * *

(e)(1) For all purposes of this title, a project authorized by subsection (a)(1) of this section shall be deemed to be a highway project.

(2) Notwithstanding section 209(f)(1) of the Highway Revenue Act of 1956, the Highway Trust Fund shall be available for making expenditures to meet obligations resulting from projects authorized by subsection (a)(2) of this section and such projects shall be subject

to, and governed in accordance with, all provisions of this title applicable to [projects on the Federal-aid urban system] *projects under the urban program*, except to the extent determined inconsistent by the Secretary.

* * * * * * *

(f) No project authorized by this section shall be approved unless the Secretary of Transportation has received assurances satisfactory to him from the State that [public mass transportation systems] *high occupancy vehicles* will fully utilize the proposed project.

Sec. 143. [Economic growth center development highways.] *Repealed.*

[(a) In order to promote the desirable development of the Nation's natural resources, to revitalize and diversify the economy of rural areas and smaller communities, to enhance and disperse industrial growth, to encourage more balanced population patterns, to check, and, where possible, to reverse current migratory trends from rural areas and small communities, and to improve living conditions and the quality of the environment, the Secretary is authorized to make grants to States for projects for the construction, reconstruction, and improvement of development highways on a Federal-aid system (other than the Interstate system) to serve and promote the development of economic growth centers and surrounding areas, encourage the location of business and industry in rural areas, facilitate the mobility of labor in sparsely populated areas, and provide rural citizens with improved highways to such public and private services as health care, recreation, employment, education, and cultural activities, or otherwise encourage the social and economic development of rural communities, and for planning, surveys, and investigations in connection therewith.

[(b) Each Governor may transmit to the Secretary his recommendations for (1) the selection of economic growth centers within the State, (2) priorities for the construction of development highways on a Federal-aid system (other than the Interstate system) to serve such centers, and (3) such other information as may be required by the Secretary, for his consideration in approving the selection of economic growth centers for projects.

[(c) Upon the application of the State highway department of any State in which an economic growth center approved by the Secretary as eligible for a project is located, the Secretary is authorized to pay up to 100 per centum of the cost of engineering and economic surveys or other investigations necessary for the planning and design of development highways on a Federal-aid system (other than the Interstate system) needed to provide appropriate access to such growth center, including publicly owned airport facilities and public ports for water transportation which may be established to serve it, in order to carry out the purposes of this section.

[(d) Except as otherwise provided in this section, all of the provisions of this title applicable to highways on the Federal aid-system on which such development highway is located except those which the Secretary determines are inconsistent with this section shall apply to Development highways and to funds authorized to carry out this section. For the purposes of sections 105, 108, and 118 of this title,

funds authorized to carry out this section shall be deemed to be apportioned on January 1 next preceding the commencement of the fiscal year for which authorized. No State shall receive in any fiscal year more than 15 per centum of the funds authorized to carry out this section for such fiscal year.

[(e) Except as otherwise provided in subsection (c) of this section, the Federal share of the cost of any project for construction, reconstruction, or improvement of a development highway under this section shall be the same as that provided under this title for any other project on the Federal-aid system on which such development highway is located.

[(f) (1) Except in the case of a project subject to paragraph (2) of this subsection, no project shall be approved by the Secretary under this section until he has determined that such project will promote the aims and purposes set forth in subsection (a) of this section and that the economic growth center to be benefited will meet such criteria as he, after consultation with the Secretary of Commerce, deems necessary, including, but not limited to, the following: (1) growth centers shall be geographically and economically capable of contributing significantly to the development of the area, and (2) growth centers shall have a population not in excess of one hundred thousand according to the latest available Federal census. In approving projects the Secretary shall give preference to those areas offering the most potential for future economic growth.

[(2) In the case of a project proposed to be conducted within the Appalachian region as defined in section 403 of the Appalachian Regional Development Act of 1965, no project shall be approved by the Secretary under this section until he shall have consulted with the Federal Cochairman of the Appalachian Regional Commission. In the case of a project proposed to be conducted within an economic development region as defined in title V of the Public Works and Economic Development Act of 1965, no project shall be approved by the Secretary under this section until he shall have consulted with the Federal Cochairman for such region and the Secretary of Commerce. In consultation with the appropriate official, the Secretary shall establish criteria for the selection of growth centers eligible for assistance under this section such that the aims and purposes set forth in subsection (a) of this section will be promoted. Such criteria shall include, but not be limited to, the following: (1) growth centers shall be geographically and economically capable of contributing significantly to the development of the area, (2) growth centers shall have a population not in excess of one hundred thousand persons according to the latest available Federal census, and (3) the selection of such growth centers within the Appalachian region and the economic development regions shall take into account the purposes of the Appalachian Regional Development Act of 1965 and the Public Works and Economic Development Act of 1965. In approving projects the Secretary shall give preference to those areas offering the most potential for future economic growth and he shall make arrangements for close coordination throughout the development and implementation of the project with the Federal Cochairman of the Appalachian Regional Commission, or with the appropriate Federal Cochairman of an economic development region, and the Secretary, as the case may be.

[(g) There is authorized to be appropriated out of the Highway Trust Fund not to exceed $50,000,000 for the fiscal year ending June 30, 1972, and not to exceed $50,000,000 for the fiscal year ending June 30, 1973.]

Sec. 144. Highway bridge replacement and rehabilitation program.

* * * * * * *

[(e) Funds authorized to carry out this section shall be apportioned on October 1 of the fiscal year for which authorized. Funds authorized to carry out this section for the fiscal year ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982, shall be apportioned to the States in accordance with revised table 1 of Committee Print 95–49 of the Committee on Public Works and Transportation of the House of Representatives. Funds authorized to carry out this section which are apportioned under this section shall be available for expenditure for the same period as funds apportioned for projects on the Federal-aid primary system under this title. Any funds not obligated at the expiration of such period shall be reapportioned by the Secretary to other States in accordance with revised table 1 of Committee Print 95–49 of the Committee on Public Works and Transportation of the House of Representatives.]

(e) Funds authorized to carry out this section shall be apportioned among the several States on October 1 of the fiscal year for which authorized according to the following formula: All deficient bridges will be divided into four categories: (1) Federal-aid system bridges, and bridges on public roads functionally classified as arterials or major collectors, eligible for replacement, (2) Federal-aid system bridges, and bridges on public roads functionally classified as arterials or major collectors, eligible for rehabilitation, (3) off-system bridges, and bridges on public roads not functionally classified as arterials or major collectors eligible for replacement, and (4) off-system bridges and bridges on public roads not functionally classified as arterials or major collectors eligible for rehabilitation. The square footage of deficient Federal-aid system bridges, or bridges on public roads functionally classified as arterials or major collectors, both those eligible for replacement and those eligible for rehabilitation, shall be multiplied by a factor of two. The square footage of deficient bridges in each category shall be multiplied by the average national unit cost, on a State-by-State basis, as determined by the Secretary; and the total cost of each State divided by the total cost of the Nation's deficient bridges shall yield the apportionment factors. No State shall receive more than 9.25 per centum or less than 0.25 per centum of the total apportionment for any one fiscal year. The Secretary shall make these determinations based upon the latest available data, which shall be updated annually. Funds authorized to carry out this section which are apportioned under this section shall be available for expenditure for three years after the close of the fiscal year for which they are authorized.

* * * * * * *

[(g) To carry out this section, there is authorized to be appropriated out of the Highway Trust Fund, $100,000,000 for the fiscal year ending June 30, 1972, $150,000,000 for the fiscal year ending June 30, 1973, $25,000,000 for the fiscal year ending June 30, 1974, $75,000,000

for the fiscal year ending June 30, 1975, and $125,000,000 for the fiscal year ending June 30, 1976, to be available until expended. Of the amount authorized per fiscal year for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982, authorized by paragraph (6) of section 202 of the Highway Safety Act of 1978, all but $200,000,000 per fiscal year shall be apportioned as provided in subsection (e) of this section. $200,000,000 [sic] per fiscal year of the amount authorized for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982, shall be available for obligation on the date of each such apportionment in the same manner and to the same extent as the sums apportioned on such date except that the obligation of such $200,000,000 shall be at the discretion of the Secretary and shall be only for projects for those highway bridges the replacement or rehabilitation cost of each of which is more than $10,000,000, and for any project for a highway bridge the replacement or rehabilitation costs of which is less than $10,000,000 if such cost is at least twice the amount apportioned to the State in which such bridge is located under subsection (e) of this section for the fiscal year in which application is made for a grant for such bridge. Not less than 15 per centum nor more than 35 per centum of the amount apportioned to each State in each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982, shall be expended for projects to replace or rehabilitate highway bridges located on public roads, other than those on a Federal aid system. The Secretary after consultation with State and local officials may, with respect to a State, reduce the requirement for expenditure for bridges not on a Federal aid system when he determines that such State has inadequate needs to justify such expenditure.]

(g) Of the amount authorized per fiscal year, for each of the fiscal years ending September 30, 1983, September 30, 1984, September 30, 1985, and September 30, 1986, all but $200,000,000 for fiscal years 1983, 1984, 1985, and 1986 shall be apportioned as provided in subsection (e) of this section; $200,000,000 for fiscal years 1983, 1984, 1985, and 1986 of the amount authorized shall be available for obligation on the date of each such apportionment in the same manner and to the same extent as the sums apportioned on such date except that the obligation of such sums shall be at the discretion of the Secretary and shall be only for projects for those highway bridges the replacement and rehabilitation cost of each of which is more than $10,000,000 and for any project for a highway bridge replacement or rehabilitation cost of which is less than $10,000,000 if such cost is at least twice the amount apportioned to the State in which such bridge is located under subsection (e) of this section for the fiscal year in which application is made for a grant for such bridge. Not less than 15 per centum of the amount apportioned to each State in a fiscal year shall be expended for projects to replace or rehabilitate bridges located on public roads other than those bridges on public roads functionally classified as arterials or major collectors. The Secretary after consultation with State and local officials may, with respect to a State, reduce the requirement for expenditure for bridges not on public roads functionally classified as arterials or major collectors when he determines that such State has inadequate needs to justify such expenditure.

Sec. 147. [Priority primary routes.] *Repealed.*

[(a) High traffic sections of highways on the Federal-aid primary system which connect to the Interstate System shall be selected by each State highway department, in consultation with appropriate local officials, subject to approval by the Secretary, for priority of improvement to supplement the service provided by the Interstate System by furnishing needed adequate traffic collector and distributor facilities. For the purpose of this section such highways shall hereafter in this section be referred to as "priority primary routes."

[(b) The Federal share of any project on a priority primary route shall be that provided in section 120(a) of this title. All provisions of this title applicable to the Federal-aid primary system shall be applicable to the priority primary routes selected under this section.

[(c) The initial selection of the priority primary routes and the estimated cost of completing such routes shall be reported to Congress on or before July 1, 1974.

[(d) There is authorized to be appropriated out of the Highway Trust Fund to carry out this section not to exceed $100,000 for the fiscal year ending June 30, 1974, $200,000,000 for the fiscal year ending June 30, 1975, and $300,000,000 for the fiscal year ending June 3, 1976.]

Sec. 148. [Development of a national scenic and recreational highway.] *Repealed.*

[(a) As soon as possible after the date of enactment of this section, the Secretary shall establish criteria for the location and construction or reconstruction of the Great River Road by the ten States bordering the Mississippi River. Such criteria shall include requirements that—

[(1) priority be given in the location of the Great River Road near or easily accessible to the larger population centers of the State and further priority be given to the construction and improvement of the Great River Road in the proximity of the confluence of the Mississippi River and the Wisconsin River;

[(2) the Great River Road be connected with other Federal-aid highways and preferably with the Interstate System;

[(3) the Great River Road be marked with uniform identifying signs;

[(4) effective control, as defined in section 131 of this title, of signs, displays, and devices will be provided along the Great River Road;

[(5) the provisions of section 129(a) of this title shall not apply to any bridge or tunnel on the Great River Road and no fees shall be charged for the use of any facility constructed with assistance under this section except for parks, recreational areas, and historical sites operated by State or local governments where admission fees may be charged to cover operational costs.

[(b) For the purpose of this section, the term "construction" includes the acquisition of areas of historical, archeological, or scientific interest, necessary easements for scenic purposes, and the construction or reconstruction of roadside rest areas (including appropriate recreational facilities), scenic viewing areas, and other appropriate facilities as determined by the Secretary.

[(c) Highways constructed or reconstructed pursuant to this section (except subsection (f)) shall be part of the Federal-aid system.

[(d) Funds appropriated for each fiscal year pursuant to subsection (g) shall be apportioned among the ten States bordering the Mississippi River on the basis of their relative needs as determined by the Secretary for payments to carry out this section.

[(e) The Federal share of the cost of any project for any construction or reconstruction pursuant to the preceding subsections of this section shall be that provided in section 120 of this title for the Federal-aid system on which such project is located, and if such project is not on such a system, such share shall be 75 per centum of such cost.

[(f) The Secretary is authorized to consult with the heads of other Federal departments and agencies having jurisdiction over Federal lands open to the public in order to enter into appropriate arrangements for necessary construction or reconstruction of highways on such lands to carry out this section. Highways constructed or reconstructed by a State pursuant to this section which are not on a Federal-aid system, and highways constructed or reconstructed under this subsection, shall be subject to the criteria applicable to highways constructed or reconstructed pursuant to subsection (c) of this section. Funds authorized pursuant to subsection (g) shall be used to pay the entire cost of construction or reconstruction pursuant to the first sentence of this subsection.

[(g) There is authorized to be appropriated to carry out this section, out of the Highway Trust Fund, for construction or reconstruction of roads on a Federal-aid highway system, not to exceed $10,000,000 for the fiscal year ending June 30, 1974, $25,000,000 for the fiscal year ending June 30, 1975, and $25,000,000 for the fiscal year ending June 30, 1976, for allocations to the States pursuant to this section, and there is authorized to be appropriated to carry out this section out of any money in the Treasury not otherwise appropriated, not to exceed $10,000,000 for each of the fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976, for construction and reconstruction of roads not on a Federal-aid highway system.

[(h) The Secretary is authorized to provide for the construction of such spur highways as he determines necessary to connect the Great River Road, by the most direct feasible routes, with existing bridges across the Mississippi for the purpose of providing persons traveling such road with access to significant scenic, historical, recreational, or archeological features on the opposite of the Mississippi River from the Great River Road.]

Sec. 149. Truck lanes.

The Secretary may approve as a project on any Federal-aid system *or under any Federal-aid program* the construction of exclusive or preferential truck lanes.

Sec. 150. Allocation of urban [system] *program* funds.

The funds apportioned to any State under paragraph (6) of subsection (b) of section 104 of this title that are attributable to urbanized areas of 200,000 population or more shall be made available for expenditure in such urbanized areas for projects in programs approved under subsection (d) of section 105 of this title in accordance with a fair and equitable formula developed by the State which formula has been approved by the Secretary. Such formula shall provide

for fair and equitable treatment of incorporated municipalities of 200,000 or more population. Whenever such a formula has not been developed and approved for a State, the funds apportioned to any State under paragraph (6) of subsection (b) of section 104 of this title which are attributable to urbanized areas having a population of 200,000 or more shall be allocated among such urbanized areas within such State for projects in programs approved under subsection (d) of section 105 of this title in the ratio that the population within each such urbanized area bears to the population of all such urbanized areas, or parts thereof within such State. In the expenditure of funds allocated under the preceding sentence, fair and equitable treatment shall be accorded incorporated municipalities of 200,000 or more population. *Funds allocated to an urbanized area under the provisions of this section may, at the request of the Governor and upon approval of the appropriate local officials of the area and the Secretary, be transferred to the allocation of another such area in the State or to the State for use in any urban area.*

Sec. 151. [Pavement marking demonstration program.] *Highway safety improvement program.*

[(a) Congress hereby finds and declares it to be in the vital interest of the Nation that a pavement marking demonstration program be established to enable the several States to improve the pavement marking of all highways to provide for greater vehicle and pedestrian safety.

[(b) Notwithstanding the provisions of the last sentence of subsection (a) of section 105 of this title, the Secretary may approve under this section such pavement marking projects on any highway whether or not on any Federal-aid system, but not included in the Interstate System, as he may find necessary to bring such highway to the pavement marking standards issued or endorsed by the Federal Highway Administrator.

[(c) In approving projects under this section, the Secretary shall give priority to those projects which are located in rural areas.

[(d) The entire cost of projects approved under subsections (b) and (f) of this section shall be paid from sums authorized to carry out this section.

[(e) For the purpose of carrying out the provisions of this section by the Federal Highway Administration, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1974, $25,000,000, and for each of the fiscal years ending June 30, 1975, and June 30, 1976, out of the Highway Trust Fund, the sum of $75,000,000. Such sums shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under this chapter for the Federal-aid primary system. On October 1 of 1978, 1979, and 1980 the Secretary shall allocate the sums authorized to carry out this section for that fiscal year among the several States in such manner as he deems most appropriate to expedite the completion of pavement marking of all highways. Any amounts allocated to the States remaining unobligated at the end of the fiscal year following the fiscal year for which such amounts are authorized shall immediately be reallocated by the Secretary among the other States.

[(f) Funds not required for pavement-marking projects authorized by this section may be released by the Secretary for expenditure for

projects to eliminate or reduce the hazards to safety at specific locations or sections of highways which are not located on any Federal-aid system and which have high accident experiences or high accident potential. Funds may be released by the Secretary under this subsection only if the Secretary has received satisfaction assurances from the State highway department that all nonurban area highways within the State are marked in accordance with the pavement-marking standards issued or endorsed by the Federal Highway Administrator for carrying out this program.

[(g) Each State shall report to the Secretary of Transportation not later than September 30, 1974, and not later than December 30 of each year thereafter, on the progress being made in implementing the program and the effectiveness of the improvements made under it. Each report shall include an analysis and evaluation of the number, rate, and severity of accidents at improved locations and the cost-benefit ratio of such improvements, comparing an adequate time period before and after treatment in order to properly assess the benefits occurring from such pavement markings. The Secretary of Transportation shall submit a report to the Congress not later than January 1, 1975, and not later than April 1 of each year thereafter, on the progress being made in implementing the program and the safety benefits achieved under it. No State shall submit any such report to the Secretary for any year after the second year following completion of the pavement marking program in that State, and the Secretary shall not submit any such report to Congress after the first year following the completion of the pavement marking program in all States.]

(a) The Secretary, in cooperation with the States, shall establish a highway safety improvement program for projects on any public road or street in rural or urban areas. Assistance shall be available under this program for highway safety improvement projects, as defined in subsection (a) of section 101 of this title; for railway-highway crossing projects as provided for in section 130 of this title; for the implementation of highway-related safety requirements and guidelines issued by the Secretary under section 402 of this title; and for the development, implementation, and evaluation of the highway safety improvement program required under subsection (b) of this section.

(b) Each State shall develop and implement on a continuing basis a highway safety improvement program including procedures for the planning, implementation, and evaluation of highway safety improvement projects on all highways, with the specific objective of reducing the number and severity of highway traffic accidents. Each State shall have a process for collecting, maintaining, and analyzing accident, traffic, and highway data; for conducting engineering studies of hazardous locations, sections and elements, for assigning priorities to the varous types of hazards identified; for implementing safety improvement projects in accordance with the priorities developed; and for the evaluation of the safety benefits obtained.

(c) Of the funds authorized to carry out this section each State shall expend 35 per centum of the sums apportioned for projects under section 203 of the Highway Safety Act of 1973 unless the State requests the Secretary to waive this minimum and the Secretary finds other safety projects are of a higher priority.

(d) (1) Funds authorized to carry out this section shall be available for expenditure for projects on any public road (other than the Interstate System).

(2) The Federal share payable on any project under this section shall not exceed 90 per centum of the cost thereof except that the Federal share of safety improvement projects for the elimination of hazards of rail-highway crossings shall not exceed that as provided in section 120(d) of this title.

"(3) The unobligated balance of contract authority established prior to enactment of this section for carrying out section 402 by the Federal Highway Administration shall remain available for obligation as provided prior to enactment of this section and shall lapse not later than September 30, 1984.

"(e) Funds authorized to be appropriated to carry out this section shall be apportioned to the States as follows: 60 per centum in the ratio which the population of each State bears to the total population of all States, and 40 per centum in the ratio which the public road mileage in each State bears to the total public road mileage in all States. The annual apportionment for each State shall not be less than one-half of 1 per centum of the total apportionment. Such sums shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under section 104(b)(1), except that the Secretary is authorized to waive such provisions of this title that he deems inconsistent with the purposes of this section.

"(f) In any State wherein the State is without legal authority to construct or maintain a project under this section, such State shall enter into a formal agreement for such construction or maintenance with the appropriate local officials of the county or municipality in which such project is located.

"(g) One-half of 1 per centum of funds authorized for carrying out this section shall be made available to the Secretary of the Interior, who shall exercise the responsibilities assigned to States under subsection (b) of this section in carrying out this section on Indian reservations. Such funds shall be subject to a deduction of not to exceed 5 per centum for the necessary costs of administering the provisions of this section.

(h) Each State shall report to the Secretary of Transportation not later than December 30 of each year, on the progress being made to implement the highway safety improvement program and the effectiveness of safety improvements in reducing the number and severity of accidents. The Secretary of Transportation shall submit a report to the Congress not later than April 1 of each year on the progress being made by the States in implementing the highway safety improvement program.

Sec. 152. [Hazard elimination program.] *Repealed.*

[(a) Each State shall conduct and systematically maintain an engineering survey of all public roads to identify hazardous locations, sections, and elements, including roadside obstacles and unmarked or poorly marked roads, which may constitute a danger to motorists and pedestrians, assign priorities for the correction of such locations, sections, and elements, and establish and implement a schedule of projects for their improvement.

[(b) The Secretary may approve as a project under this section any highway safety improvement project.

[(c) Funds authorized to carry out this section shall be available solely for expenditure for projects on any Federal-aid system (other

than the Interstate System) except in the Virgin Islands, Guam, and American Samoa.

[(d) The Federal share payable on account of any project under this section shall be 90 percent of the cost thereof.

[(e) Funds authorized to be appropriated to carry out this section shall be apportioned to the States as provided in section 402(c) of this title. Such funds shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under section 104(b)(1), except that the Secretary is authorized to waive provisions he deems inconsistent with the purposes of this section.

[(f) Each State shall establish an evaluation process approved by the Secretary, to analyze and assess results achieved by highway safety improvement projects carried out in accordance with procedures and criteria established by this section. Such evaluation process shall develop cost-benefit data for various types of corrections and treatments which shall be used in setting priorities for highway safety improvement projects.

[(g) Each State shall report to the Secretary of Transportation not later than December 30 of each year, on the progress being made to implement highway safety improvement projects for hazard elimination and the effectiveness of such improvements. Each State report shall contain an assessment of the cost of, and safety benefits derived from, the various means and methods used to mitigate or eliminate hazards and the previous and subsequent accident experience at these locations. The Secretary of Transportation shall submit a report to the Congress not later than April 1 of each year on the progress being made by the States in implementing the hazard elimination program. The report shall include, but not be limited to, the number of projects undertaken, their distribution by cost range, road system, means and methods used, and the previous and subsequent accident experience at improved locations. In addition, the Secretary's report shall analyze and evaluate each State program, identify any State found not to be in compliance with the schedule of improvements required by subsection (a) and include recommendations for future implementation of the hazard elimination program.

[(h) For the purposes of this section the term "State" shall have the meaning given it in section 401 of this title.]

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Sec. 155. [Access highways to public recreation areas on certain lakes.] *Repealed.*

[(a) The Secretary is authorized to construct or reconstruct access highways to public recreation areas on lakes in order to accommodate present and projected traffic density. The Secretary shall develop guidelines and standards for the designation of routes and the allocation of funds for the purpose of this section which shall include the following criteria:

[(1) No portion of any access highway constructed or reconstructed under this section shall exceed thirty-five miles in length nor shall any portion of such highway be located more than thirty-five miles from the nearest part of such recreation area.

[(2) Routes shall be designated by the Secretary on the recommendation of the State and responsible local officials, after con-

sultation with the head of the Federal agency (if any) having jurisdiction over the public recreation area involved.

[(b) The Federal share payable on account of any project authorized pursuant to this section shall not exceed 75 per centum of the cost of construction or reconstruction of such project.[161c]

[(c) All of the provisions of this title applicable to highways on the Federal-aid system (other than the Interstate System) determined appropriate by the Secretary, except those provisions which the Secretary determines are inconsistent with this section, shall apply to any highway designated under this section which is not a part of the Federal-aid system when so designated.

[(d) For the purpose of this section the term "lake" means any lake, reservoir, pool, or other body of water resulting from the construction of any lock, dam, or similar structure by the Corps of Engineers, Department of the Army, or the Bureau of Reclamation, Department of the Interior, or the Tennessee Valley Authority and any multipurpose lake resulting from construction assistance of the Soil Conservation Service, Department of Agriculture. This section shall apply to lakes heretofore or hereafter constructed or authorized for construction.

[(e) There is authorized to be appropriated not to exceed $25,000,000 for the fiscal year 1976 to carry out this section. Amounts authorized by this subsection for a fiscal year shall be available for that fiscal year and for the two succeeding fiscal years.]

Sec. 156. [Highways crossing Federal projects.] *Repealed.*

[(a) The Secretary is authorized to construct and to reconstruct any public highway or highway bridge across any Federal public works project, notwithstanding any other provision of law, where there has been a substantial change in the requirements and costs of such highway or bridge since the public works project was authorized, and where such increased costs would work an undue hardship upon any one State. No such highway or bridge shall be constructed or reconstructed under authority of this section until the State shall agree that upon completion of such construction or reconstruction it will accept ownership to such highway or bridge and will thereafter operate and maintain such highway or bridge.

[(b) There is hereby authorized to be appropriated not to exceed $100,000,000 to carry out this section. Amounts authorized by this subsection shall be available for the fiscal year in which appropriated and for two succeeding fiscal years.]

Sec. 157. Interagency agreements.

Not later than one hundred and eighty days after the date of enactment of this section, the Secretary shall enter into agreements with the Secretaries of the Departments of Interior and Defense, the Administrator of the Environmental Protection Agency, and the heads of such other Federal departments, agencies, and instrumentalities as the Secretary determines, to minimize, to the greatest extent possible, duplication, paperwork, and delays in the development and approval of projects with no substantial controversy under this title and any other provision of law relating to the Federal highway programs. Notwithstanding any other provision of law, such agreements shall provide that actions on applications or requests for permits, licenses, findings, and other approvals and determinations required for such projects will

be fully coordinated by the Department of Transportation with the review process established under the National Environmental Policy Act of 1969, as amended, and, to the greatest extent practicable, that a decision with respect to each such application or request will be made contemporaneously with approval of the environmental impact statement, finding of no significant impact, or categorical exclusion required for such project, but in no event later than one hundred eighty days after the date of approval of such environmental review document.

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[Sec. 202. Apportionment or allocation.

[(a) On October 1 of each fiscal year, the Secretary shall apportion the sums authorized to be appropriated for such fiscal year for forest highways in the several States, according to the area and value of the land owned by the United States within the national forests therein, which the Secretary of Agriculture is directed to determine and certify to the Secretary from such information, sources, and departments as the Secretary of Agriculture may deem most accurate.[16:a]

[(b) Sums authorized to be appropriated for forest development roads and trails shall be allocated by the Secretary of Agriculture according to the relative needs of the various national forests, taking into consideration the existing transportation facilities, value of timber or other resources served, relative fire danger, and comparative difficulties of road and trail construction.

[(c) Sums authorized to be appropriated for public lands highways shall be allocated by the Secretary among those States having unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations, on the basis of need in such States, respectively, as determined by the Secretary upon application of the State highway departments of the respective States. Preference shall be given to those projects which are located on a Federal-aid system.]

Sec. 202. Allocations.

(a) On October 1 of each fiscal year, the Secretary shall allocate the sums authorized to be appropriated for such fiscal year for forest highways according to the relative needs of the various elements of the national forest system as determined by the Secretary, taking into consideration the need for access as identified by the Secretary of Agriculture through renewable resource and land use planning, and the impact of such planning on existing transportation facilities.

(b) On October 1 of each fiscal year, the Secretary of Agriculture shall allocate the sums authorized to be appropriated for such fiscal year for forest development roads and trails according to the relative needs of the various national forests. Such allocation shall be consistent with the renewable resource and land use planning for the various national forests.

(c) On October 1 of each fiscal year, the Secretary shall allocate the sums authorized to be appropriated for such fiscal year for public lands highways among those States having unappropriated or unreserved public lands, nontaxable Indian lands or other Federal reservations, on the basis of need in such States, respectively, as determined by the Secretary upon application of the State highway departments of the respective States. The Secretary shall give preference to those

projects which are significantly impacted by Federal land and resource management activities.

"(d) On October 1 of each fiscal year, the Secretary of the Interior shall allocate the sums authorized to be appropriated for such fiscal year for park roads and parkways each according to the relative needs of the various elements of the national park system, taking into consideration the need for access as identified through land use planning and the impact of such planning on existing transportation facilities.

"(e) On October 1 of each fiscal year, the Secretary of the Interior shall allocate the sums authorized to be appropriated for such fiscal year for Indian reservation roads according to the relative needs of the various reservations as jointly identified by the Secretary and the Secretary of the Interior.

Sec. 203. Availability of funds.

Funds authorized for forest highways, forest development roads and trails, public lands development roads and trails, [park roads and trails] *park road*, parkways, Indian reservation roads, and public lands highways shall be available for contract upon apportionment, or on October 1 of the fiscal year for which authorized if no apportionment is required. Any amount remaining unexpended for a period of three years after the close of the fiscal year for which authorized shall lapse. The Secretary of the Department charged with the administration of such funds is granted authority to incur obligations, approve projects, and enter into contracts under such authorizations and his action in doing so shall be deemed a contractual obligation of the United States for the payment of the cost thereof and such funds shall be deemed to have been expended when so obligated. Any funds heretofore or hereafter authorized for any fiscal year for forest highways, forest development roads and trails, public lands development roads and trails, [park roads and trails] *park road*, parkways, Indian roads, and public lands highways shall be deemed to have been expended if a sum equal to the total of the sums authorized for such fiscal year and previous fiscal years since and including the fiscal year ending June 30, 1955, shall have been obligated. Any of such funds released by payment of final voucher or modification or project authorizations shall be credited to the balance of unobligated authorization and be immediately available for expenditure.

[Sec. 204. Forest highways.

[(a) Funds available for forest highways shall be used by the Secretary to pay for the cost of construction and maintenance thereof. In connection therewith, the Secretary may enter into construction contracts and such other contracts with a State, or civil subdivision thereof as he deems advisable.

[(b) Cooperation of States, counties, or other local subdivisions, may be accepted but shall not be required by the Secretary.

[(c) Construction estimated to cost $5,000 or more per mile, exclusive of bridges, shall be advertised and let to contract. If such estimated cost is less than $5,000 per mile or if, after proper advertising, no acceptable bid is received or the bids are deemed excessive, the work may be done by the Secretary on his own account. For such purpose, the Secretary may purchase, lease, hire, rent, or otherwise obtain all

necessary supplies, materials, tools, equipment, and facilities required to perform the work, and may pay wages, salaries, and other expenses for help employed in connection with such work.

[(d) All appropriations for forest highways shall be administered in conformity with regulations jointly approved by the Secretary and the Secretary of Agriculture.

[(e) The Secretary shall transfer to the Secretary of Agriculture from appropriations for forest highways such amounts as may be needed to cover necessary administrative expenses of the Forest Service in connection with the forest-highway program.

[(f) Funds available for forest highways shall be available for adjacent vehicular parking areas and for sanitary, water, and fire control facilities.]

Sec. 201. Federal lands highways program.

(a) Recognizing the need for all Federal roads which are public roads to be treated under the same uniform policies as roads which are on the Federal-aid systems, there is established a coordinated Federal lands highways program which shall consist of the forest highways, public lands highways, park roads, parkways, and Indian reservation roads as defined in section 101 of title 23, United States Code.

(b) Funds available for forest highways and public lands highways shall be used by the Secretary to pay for the cost of construction and improvement thereof. Funds available for park roads, parkways, and Indian reservation roads shall be used by the Secretary of the Interior to pay for the cost of construction and improvement thereof. In connection therewith, the Secretary and the Secretary of the Interior, as appropriate, may enter into construction contracts and such other contracts with a State, or civil subdivision thereof as deemed advisable. In the case of Indian reservation roads, Indian labor may be employed in such construction and improvement under such rules and regulations as may be prescribed by the Secretary of the Interior.

"(c) Cooperation of States, counties, or other local subdivisions may be accepted in construction and improvement, and any funds received from a State, county, or local subdivision shall be credited to appropriations available for the class of Federal lands highways to which such funds were contributed.

(d) Construction of each project shall be performed by contract awarded by competitive bidding, unless the Secretary or the Secretary of the Interior shall affirmatively find that, under the circumstances relating to such project, some other method is in the public interest.

(e) All appropriations for the construction and improvement of each class of Federal lands highways shall be administered in conformity with regulations and agreements jointly approved by the Secretary and the Secretary of the appropriate Federal land managing agency.

(f) The Secretary shall transfer to the Secretary of Agriculture from appropriations for forest highways such amounts as may be needed to cover necessary administrative expenses of the Forest Service in connection with forest highways.

(g) Funds available for each class of Federal lands highways shall be available for adjacent vehicular parking areas and scenic easements.

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Sec. 206. [Park roads and trails.] *Repealed.*

[(a) Funds available for park roads and trails shall be used to pay for the cost of construction and improvement thereof.

[(b) Appropriations for the construction and improvement of park roads shall be administered in conformity with regulations jointly approved by the Secretary and the Secretary of the Interior.]

Sec. 207. [Parkway.] *Repealed.*

[(a) Funds available for parkways shall be used to pay for the cost of construction and improvement thereof, including the acquisition of rights-of-way and related scenic easements.

[(b) Appropriations for the construction of parkways shall be administered in conformity with regulations jointly approved by the Secretary and the Secretary of the Interior.

[(c) The location of parkways upon public lands, national forests, or other Federal reservations, shall be determined by agreement between the department having jurisdiction over such lands and the Secretary of the Interior.]

[(d) Any parkway project on a Federal-aid system shall be subject to all of the requirements of this title and of any other law applicable to highways on such system.]

Sec. 208. Indian reservation roads.

(a) Funds available for Indian reservation roads [and bridges] shall be used to pay for the cost of construction and improvement thereof.

(b) The Secretary shall approve the location, type, and design of all projects for Indian reservation roads [and bridges] before any expenditures are made thereon and all construction thereof shall be under the general supervision of the Secretary.

(c) Before approving as a project on an Indian reservation road [or bridge] any project on a Federal-aid system in a State, the Secretary must determine the obligation of funds for such project is supplementary to and not in lieu of the obligation, for projects on Indian reservation roads [and bridges], of a fair and equitable share of funds apportioned to such State under section 104 of this title.

(d) Indian labor may be employed in such construction and improvement under such rules and regulations as may be prescribed by the Secretary of the Interior.

(e) Cooperation of States, counties, or other local subdivisions may be accepted in such construction and improvement, and any funds, received from a State, county, or local subdivision shall be credited to appropriations available for Indian reservation roads. [and bridges.]

Sec. 209. [Public lands highways.] *Repealed.*

[(a) Funds available for public lands highways shall be used by the Secretary to pay for the cost of construction and maintenance thereof.

[(b) The Secretary is authorized to cooperate with the State highway departments and with the Secretary of the Department having jurisdiction over the particular lands, in the survey, construction, and maintenance of public lands highways.

[(c) The provisions of section 112 of this title are applicable to public lands highways.

[(d) Funds available for public lands highways shall be available for adjacent vehicular parking areas and for sanitary, water, and fire control facilities.]

Sec. 210. Defense access roads.

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(c) [Not exceeding $5,000,000 of any funds appropriated under the Act approved October 16, 1951 (65 Stat. 422),] *Funds appropriated for defense maneuvers and exercises* may be used by the Secretary in areas certified to him by the Secretary of Defense as maneuver areas for such construction, maintenance, and repair work as may be necessary to keep the highways therein, which have been or may be used for training of the Armed Forces, in suitable condition for such training purposes and for repairing the damage caused to such highways by the operations of men and equipment in such training.

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Sec. 215. [Territorial highway program.] *Repealed.*

[(a) Recognizing the mutual benefits that will accrue to the Virgin Islands, Guam, and American Samoa, and to the United States from the improvement of highways in such territories of the United States, the Secretary is authorized to assist each such territorial government in a program for the construction and improvement of a system of arterial highways, and necessary interisland connectors designated by the Governor of such territory and approved by the Secretary. Federal financial assistance shall be granted under this subsection to such territories upon the basis of a Federal contribution of *100* per centum of the cost of any project.]

[(b) In order to establish a long-range highway development program, the Secretary is authorized to provide technical assistance for the establishment of an appropriate agency to administer on a continuing basis highway planning, design, construction and maintenance operations, the development of a system of arterial and collector highways, including necessary interisland connectors, and the establishment of advance acquisition of right-of-way and relocation assistance programs.]

[(c) No part of the appropriations authorized under this section shall be available for obligation or expenditure with respect to any territory until the Governor enters into an agreement with the Secretary providing that the government of such territory (1) will design and construct a system of arterial and collector highways, including necessary interisland connectors, built in accordance with standards approved by the Secretary; (2) will not impose any toll, or permit any such toll to be charged, for use by vehicles or persons of any portion of the facilities constructed or operated under the provisions of this section; (3) will provide for the maintenance of such facilities in a condition to adequately serve the needs of present and future traffic; (4) will implement standards for traffic operations and uniform traffic control devices which are approved by the Secretary.]

[(d)(1) Three per centum of the sums authorized to be appropriated for each fiscal year for carrying out subsection (a) of this section shall be available for expenditure only for engineering and

economic surveys and investigations, for the planning of future highway programs and the financing thereof, for studies of the economy, safety, and convenience of highway usage and the desirable regulation and equitable taxation thereof, and for research and development, necessary in connection with the planning, design, and maintenance of the highway system, and the regulation and taxation of their use.

[(2) In addition to the percentage provided in paragraph (1) of the subsection, not to exceed 2 per centum of sums authorized to be appropriated for each fiscal year for carrying out subsection (a) of this section may be expended upon request of the Governor and with the approval of the Secretary for the purposes enumerated in paragraph (1) of this subsection.]

[(e) None of the funds authorized to be appropriated for carrying out this section shall be obligated or expended for maintenance of the highway system.]

[(f) The provisions of chapter 1 of this title that are applicable to Federal-aid primary highway funds, other than provisions relating to the apportionment formula and provisions limiting the expenditure of such funds to the Federal-aid systems shall apply to the funds authorized to be appropriated to carry out this section, except as determined by the Secretary to be inconsistent with this section.]

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Sec. 217. Bicycle transportation and pedestrian walkways.

(a) To encourage energy conservation [and the multiple use of highway rights-of-way], including the development, improvement, and use of bicycle transportation and the development and improvement of pedestrian walkways [on or in conjunction with highway rights-of-way], the States may, as Federal-aid highway projects, construct new or improved lanes, paths, or shoulders; traffic control devices, shelters for and parking facilities for bicycles and pedestrian walkways. *Federal-aid highway projects may include nonconstruction programs or projects which can reasonably be expected to enhance the safety and use of bicycles.* Sums apportioned in accordance with paragraphs (1), (2), and (6) of section 104(b) of this title shall be available for bicycle projects and pedestrian walkways authorized under this section and such projects shall be located and designed pursuant to an overall plan which will provide due consideration for safety and contiguous routes.

(b) For all purposes of this title, a bicycle or pedestrian walkway project authorized by subsection (a) of this section shall be deemed to be a highway project, and the Federal share payable on account of such bicycle project or pedestrian walkway shall be [that provided in section 120 of this title] *100 per centum.*

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[(e) Not more than $45,000,000 of funds authorized to be appropriated in any fiscal year may be obligated for projects authorized by subsections (a) and (c) of this section, and no State shall obligate more than $2,500,000 for such projects in any fiscal year.]

Sec. 218. Alaska Highway.

(a) Recognizing the benefits that will accrue to the State of Alaska and to the United States from the reconstruction of the Alaska Highway from the Alaskan border to Haines Junction in Canada and the

Haines Cutoff Highway from Haines Junction in Canada to the south Alaskan border, the Secretary is authorized out of the funds appropriated for the purpose of this section to provide for necessary reconstruction of such highway. Such appropriations shall remain available until expended. *In addition to such funds, the State of Alaska is authorized to expend on such highway any Federal-aid highway funds apportioned to the State of Alaska under this title as its Federal share. Notwithstanding any other provision of law any obligation limitation enacted for fiscal year 1983 or for any fiscal year thereafter shall not apply to projects authorized by the previous sentence.* No expenditures shall be made for the construction of such highways until an agreement has been reached by the Government of Canada and the Government of the United States which shall provide, in part, that the Canadian Government—

(1) will provide, without participation of funds authorized under this title, all necessary right-of-way for the reconstruction of such highways;

(2) will not impose any highway toll, or permit any such toll to be charged for the use of such highways by vehicles or persons;

(3) will not levy or assess, directly or indirectly, any fee, tax, or other charge for the use of such highways by vehicles or persons from the United States that does not apply equally to vehicles or persons of Canada;

(4) will continue to grant reciprocal recognition of vehicle registration and drivers' licenses in accordance with agreements between the United States and Canada; and

(5) will maintain such highways after their completion in proper condition adequately to serve the needs of present and future traffic.

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Sec. 302. State highway department.

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(b) The State highway department may arrange with a county or group of counties for competent highway engineering personnel suitably organized and equipped to the satisfaction of the State highway department, to supervise construction and maintenance on a county-unit or group-unit basis, for the construction of projects [on the Federal-aid secondary system] *under the Federal-aid rural program*, financed with [secondary funds,] *rural funds*, and for the maintenance thereof.

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Sec. 304. Participation by small business enterprises.

It is declared to be in the national interest to encourage and develop the actual and potential capacity of small business and to utilize this important segment of our economy to the fullest practicable extent in construction of the Federal-aid highway systems *and highways under the Federal-aid programs*, including the Interstate System. In order to carry out that intent and encourage full and free competition, the Secretary should assist, insofar as feasible, small business enterprises in obtaining contracts in connection with the prosecution of the highway program.

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Sec. 307. Research and planning.

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(c)(1) Not to exceed 1½ per centum of the sums apportioned for each fiscal year beginning with fiscal year 1974 to any State under section 104 of this title shall be available for expenditure upon request of the State highway department, with the approval of the Secretary, with or without State funds, for engineering and economic surveys and investigations; for the planning of future highway programs and local public transportation systems and for planning for the financing thereof; for studies of the economy, safety, and convenience of highway usage and the desirable regulation and equitable taxation thereof; and for research and development, necessary in connection with the planning, design, construction, and maintenance of highways and highways systems, and the regulation and taxation of their use.

(2) One and one-half per centum of the sums apportioned for each fiscal year beginning with the fiscal year [1964] *1983* to any State under [section 104] *sections 104 and 144* of this title shall be available for expenditure by the State highway department only for the purposes enumerated in paragraph (1) of this subsection.

(3) In addition to the percentage provided in paragraph (2) of this subsection, not to exceed one-half of one per centum of sums apportioned for each fiscal year beginning with the fiscal year 1964 under paragraphs (1), (2), and (3) of section 104(b) of this title shall be available for expenditure upon request of the State highway department for the purposes enumerated in paragraph (1) of this subsection, including demonstration projects in connection with such purposes.

(4) Sums made available under paragraphs (2) and (3) of this subsection shall be matched by the State in accordance with section 120 of this title unless the Secretary determines that the interests of the Federal-aid highway program would be best served without such matching.

(5) The sums provided pursuant to paragraph (2) of this subsection shall be combined and administered by the Secretary as a single fund which shall be available for obligation for the same period as funds apportioned under section 104(b)(1) of this title.

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Sec. 317. Appropriation for highway purposes of lands or interests in lands owned by the United States.

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(d) The provisions of this section shall apply only to projects constructed on a Federal-aid system *or under a Federal-aid program* or under the provisions of chapter 2 of this title.

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Sec. 320. Bridges on Federal dams.

(a) Each executive department, independent establishment, office, board, bureau, commission, authority, administration, corporation wholly owned or controlled by the United States, or other agency of the Government of the United States, hereinafter collectively and individually referred to as "agency", which on or after July 29, 1946,

has jurisdiction over and custody of any dam constructed or to be constructed and owned by or for the United States, is authorized, with any funds available to it, to design and construct any such dam in such manner that it will constitute and serve as a suitable and adequate foundation to support a public highway bridge upon and across such dam, and to design and construct upon the foundation thus provided a public highway bridge upon and across such dam. The highway department of the State in which such dam shall be located, jointly with the Secretary, shall first determine and certify to such agency that such bridge is economically desirable and needed as a link in the State or Federal-aid highway systems *or programs*, and shall request such agency to design and construct such dam so that it will serve as a suitable and adequate foundation for a public highway bridge and to design and construct such public highway bridge upon and across such dam, and shall agree to reimburse such agency pursuant to subsection (d) of this section for any additional costs which it may be required to incur because of the design and construction of such dam so that it will serve as a foundation for a public highway bridge and for expenditures which it may find it necessary to make in designing and constructing such public highway bridge upon and across such dam. In no case shall the design and construction of a bridge upon and across such dam be undertaken hereunder except by the agency having jurisdiction over and custody of the dam, acting directly or through contractors employed by it, and after such agency shall determine that it will be structurally feasible and will not interfere with the proper functioning and operation of the dam.

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Sec. 322. Demonstration project—rail crossings.

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(c) (1) If the highway involved is on [any Federal-aid system,] *the Interstate System, the Primary System, or is a route functionally classified as an arterial or major collector*, the Federal shale of the cost of such work shall be 90 per centum and the railroad's share of such cost shall be 10 per centum.

(2) If the highway involved is not on [any Federal-aid system,] *the Interstate System, the Primary System, or is not a route functionally classified as an arterial or major collector*, the Federal share of the cost of such work shall be 80 per centum and the railroad's share of the cost shall be 10 per centum and the remaining 10 per centum of such cost shall be paid by the State in which such crossing is located.

* * * * * * *

Sec. 401. Authority of the Secretary.

The Secretary is authorized and directed to assist and cooperate with other Federal departments and agencies, State and local governments, private industry, and other interested parties, to increase highway safety. [For the purposes of this chapter, the term "State" means any one of the fifty States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, and American Samoa, except that all expenditures for carrying out this chapter in the Virgin Islands, Guam, and American Samoa shall be paid out of money in the Treasury not otherwise appropriated.]

Sec. 402. Highway safety programs.

* * * * * * *

(c) Funds authorized to be appropriated to carry out this section shall be used to aid the States to conduct the highway safety programs approved in accordance with subsection (a), including development and implementation of manpower training programs, and of demonstration programs that the Secretary determines will contribute directly to the reduction of accidents, and deaths and injuries resulting therefrom. Such funds shall be subject to a deduction not to exceed 5 per centum for the necessary costs of administering the provisions of this section, and the remainder shall be apportioned among the several States. For the fiscal years ending June 30, 1967, June 30, 1968, and June 30, 1969, such funds shall be apportioned 75 per centum on the basis of population and 25 per centum as the Secretary in his administrative discretion may deem appropriate and thereafter such funds shall be apportioned 75 per centum in the ratio which the population of each State bears to the total population of all the States, as shown by the latest available Federal census, and 25 per centum in the ratio which the public road mileage in each State bears to the total public road mileage in all States. For the purpose of this subsection, a "public road" means any road under the jurisdiction of and maintained by a public authority and open to public travel. Public road mileage as used in this subsection shall be determined as of the end of the calendar year preceding the year in which the funds are apportioned and shall be certified to by the Governor of the State and subject to approval by the Secretary. The annual apportionment to each State shall not be less than one-half of 1 per centum of the total apportionment. [Except that the apportionments to the Virgin Islands, Guam, and American Samoa shall not be less than one-third of 1 per centum of the total apportionment] After December 31, 1969, the Secretary shall not apportion any funds under this subsection to any State which is not implementing a highway safety program approved by the Secretary in accordance with this section. For the purpose of the seventh sentence of this subsection, a highway safety program approved by the Secretary shall not include any requirement that a State implement such a program by adopting or enforcing any law, rule, or regulation based on a standard promulgated by the Secretary under this section requiring any motorcycle operator eighteen years of age or older or passenger eighteen years of age or older to wear a safety helmet when operating or riding a motorcycle on the streets and highways of that State. Implementation of a highway safety program under this section shall not be construed to require the Secretary to require compliance with every uniform standard, or with every element of every uniform standard, in every State. Funds apportioned under this section to any State, that does not have a highway safety program approved by the Secretary or that is not implementing an approved program, shall be reduced by amounts equal to not less than 50 per centum of the amounts that would otherwise be apportioned to the State under this section, until such time as the Secretary approves such program or determines that the State is implementing an approved program, as appropriate. The Secretary

shall consider the gravity of the State's failure to have or implement an approved program in determining the amount of the reduction. The Secretary shall promptly apportion to the State the funds withheld from its apportionment if he approves the State's highway safety program or determines that the State has begun implementing an approved program, as appropriate, prior to the end of the fiscal year for which the funds were withheld. If the Secretary determines that the State did not correct its failure within such period, the Secretary shall reapportion the withheld funds to the other States in accordance with the formula specified in this subsection not later than 30 days after such determination.

(d) All provisions of chapter 1 of this title that are applicable to Federal-aid primary highway funds other than provisions relating to the apportionment formula and provisions limiting the expenditure of such funds to the Federal-aid systems and programs, shall apply to the highway safety funds authorized to be appropriated to carry out this section, except as determined by the Secretary to be inconsistent with this section, and except that the aggregate of all expenditures made during any fiscal year by a State and its political subdivisions (exclusive of Federal funds) for carrying out the State highway safety program (other than planning and administration) shall be available for the purpose of crediting such State during such fiscal year for the non-Federal share of the cost of any project under this section (other than one for planning or administration) without regard to whether such expenditures were actually made in connection with such project and except that, in the case of a local highway safety program carried out by an Indian tribe, if the Secretary is satisfied that an Indian tribe does not have sufficient funds available to meet the non-Federal share of the cost of such program, he may increase the Federal share of the cost thereof payable under this Act to the extent necessary. In applying such provisions of chapter 1 in carrying out this section the term "State highway department" as used in such provisions shall mean the Governor of a State for the purposes of this section.

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FEDERAL-AID HIGHWAY ACT OF 1956

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Sec. 108. National System of Interstate and Defense Highways.

* * * * * * *

(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of expediting the construction, reconstruction, or improvement, inclusive of necessary bridges and tunnels, of the Interstate System, including extensions thereof through urban areas, designated in accordance with the provisions of subsection (d) of section 103 of title 23, United States Code, there is hereby authorized to be appropriated the additional sum of $1,000,000,000 for the fiscal year ending June 30, 1957, which sum shall be in addition to the authorization heretofore made for that year, the additional sum of $1,700,000,000 for the fiscal year ending June 30, 1958, the additional sum of $2,200,000,000 for the fiscal year ending June 30, 1959, the additional sum of $2,500,000,000 for the fiscal year ending June 30, 1960, the additional sum of $1,800,000,000

for the fiscal year ending June 30, 1961, the additional sum of $2,200,000,000 for the fiscal year ending June 30, 1962, the additional sum of $2,400,000,000 for the fiscal year ending June 30, 1963, the additional sum of $2,600,000,000 for the fiscal year ending June 30, 1964, the additional sum of $2,700,000,000 for the fiscal year ending June 30, 1965, the additional sum of $2,800,000,000 for the fiscal year ending June 30, 1966, the additional sum of $3,000,000,000 for the fiscal year ending June 30, 1967, the additional sum of $3,400,000,000 for the fiscal year ending June 30, 1968, the additional sum of $3,800,000,000 for the fiscal year ending June 30, 1969, the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1970, the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1971, the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1972, the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1973, the additional sum of $2,600,000,000 for the fiscal year ending June 30, 1974, the additional sum of $3,000,000,000 for the fiscal year ending June 30, 1975, the additional sum of $3,000,000,000 for the fiscal year ending June 30, 1976, the additional sum of $3,250,000,000 for the fiscal year ending June 30, 1977, the additional sum of $3,250,000,000 for the fiscal year ending September 30, 1978, the additional sum of $3,250,000,000 for the fiscal year ending September 30, 1979, the additional sum of $3,250,000,000 for the fiscal year ending September 30, 1980, the additional sum of $3,500,000,000 for the fiscal year ending September 30, 1981, the additional sum of $3,500,000,000 for the fiscal year ending September 30, 1982, the additional sum of $3,200,000,000 for the fiscal year ending September 30, 1983, [the additional sum of $3,625,000,000 for the fiscal year ending September 30, 1984, the additional sum of $3,625,000,000 for the fiscal year ending September 30, 1985, the additional sum of $3,625,000,000 for the fiscal year ending September 30, 1986, the additional sum of $3,625,000,000 for the fiscal year ending September 30, 1987, the additional sum of $3,625,000,000 for the fiscal year ending September 30, 1988, the additional sum of $3,625,000,000 for the fiscal year ending September 30, 1989, and the additional sum of $3,625,000,000 for the fiscal year ending September 30, 1990] *the additional sum of $3,300,000,000 for the fiscal year ending September 30, 1984, the additional sum of $3,400,000,000 for the fiscal year ending September 30, 1985, the additional sum of $3,400,000,000 for the fiscal year ending September 30, 1986, the additional sum of $3,500,000,000 for the fiscal year ending September 30, 1987, the additional sum of $3,625,000,000 for the fiscal year ending September 30, 1988, the additional sum of $3,625,000,000 for the fiscal year ending September 30, 1989, and the additional sum of $3,625,000,000 for the fiscal year ending September 30, 1990.* Nothing in this subsection shall be construed to authorize the appropriation of any sums to carry out sections 131, 136, or 319 (b) of title 23, United States Code, or any provision of law relating to highway safety enacted after May 1, 1966. Beginning with funds authorized to be appropriated for fiscal year 1980, no such funds shall be available for projects to expand or clear zones immediately adjacent to the paved roadway of routes designed prior to February, 1967.

TITLE I

FEDERAL-AID HIGHWAY ACT OF 1973

HIGHLAND SCENIC HIGHWAY

SEC. 161.

* * * * * * *

[(f) The Highland Scenic Highway as authorized by subsection (a) of this section and all associated lands and rights-of-way shall be managed and maintained as part of the Monongahela National Forest, solely for scenic and recreational use and passenger car travel.]

(f) The Highland Scenic Highway as authorized by subsection (a) of this section and all associated lands and rights-of-way shall be managed as part of the Monongahela National Forest for scenic and recreational purposes. Vehicle use shall be confined to passenger cars, recreational vehicles, and limited truck traffic to the extent such use is compatible with the purpose for which the highway was constructed. Commercial use by trucks shall be limited and controlled by permit.

* * * * * * *

[DEMONSTRATION PROJECT—RAILROAD-HIGHWAY CROSSINGS

[SEC. 163. (a)(1) The Secretary of Transportation shall enter into such arrangements as may be necessary to carry out demonstration projects in Lincoln, Nebraska, Wheeling, West Virginia, and Elko, Nevada, for the relocation of railroad lines from the central area of the cities in conformance with the methodology developed under proposals submitted to the Secretary by the respective cities. The cities shall (1) have a local agency with legal authority to relocate railroad facilities, levy taxes for such purpose, and a record of prior accomplishment; and (2) have a current relocation plan for such lines which has a favorable benefit-cost ratio involving and having the unanimous approval of three or more class 1 railroads in Lincoln, Nebraska, and the two class 1 railroads in Wheeling, West Virginia, and Elko, Nevada, and multicivic, local, and State agencies, and which provides for the elimination of a substantial number of the existing railway-road conflict points within the city.

[(2) The Secretary of Transportation shall enter into such arrangements as may be necessary to carry out a demonstration project in Lafayette, Indiana, for relocation of railroad lines from the central area of the city. There are authorized to be appropriated to carry out this paragraph $360,000 for the fiscal year ending June 30, 1975.

[(b) The Secretary of Transportation shall carry out a demonstration project for the elimination or protection of certain public ground-level rail-highway crossings in, or in the vicinity of, Springfield, Illinois.

[(c) The Secretary of Transportation shall enter into such arrangements as may be necessary to carry out demonstration projects in Brownsville, Texas, and Matamoros, Mexico, for the relocation of railroad lines from the central area of the cities in conformance with the methodology developed under proposals submitted to the Sec-

retary by the Brownsville Navigation District, providing for the construction of an international bridge and for the elimination of a substantial number of existing railway-road conflict points within the cities.

[(d) The Secretary of Transportation shall enter into such arrangements as may be necessary to carry out a demonstration project in East Saint Louis, Illinois, for the relocation of rail lines between Thirteenth and Forty-third Streets, in accordance with methodology approved by the Secretary. The Secretary of Transportation shall carry out a demonstration project for the relocation of rail lines in the vicinity of Carbondale, Illinois.

[(e) The Secretary of Transportation shall enter into such arrangements as may be necessary to carry out a demonstration project in New Albany, Indiana, for the elimination of the existing rail loop and relocation of rail lines to a location between Vincennes Street and East Eighth Street, in accordance with methodology approved by the Secretary.

[(f) The Secretary of Transportation shall carry out demonstration projects for the construction of an overpass at the rail-highway grade crossing on Cottage Grove Avenue between One Hundred Forty-second Street and One Hundred Thirty-eighth Street in the village of Dolton, Illinois, and the construction of an overpass at the rail-highway grade crossing at Vermont Street and the Rock Island Railroad tracks in the city of Blue Island, Illinois.

[(g) The Secretary of Transportation shall carry out a demonstration project for the elimination of the ground level railroad highway crossing on United States Route 69 in Greenville, Texas.

[(h) The Secretary of Transportation shall carry out a demonstration project in Anoka, Minnesota, for the construction of an underpass at the Seventh Avenue and County Road 7 railroad-highway grade crossing.

[(i) The Secretary of Transportation shall carry out a demonstration project in Metairie, Jefferson Parish, Louisiana, for the relocation or grade separation of rail lines whichever he deems most feasible in order to eliminate certain grade level railroad highway crossings.

[(j) The Secretary of Transportation shall enter into such arrangements as may be necessary to carry out a demonstration project in Augusta, Georgia, for the relocation of railroad lines and for the purpose of eliminating highway railroad grade crossings.

[(k) The Secretary of Transportation shall enter into such arrangements as may be necessary to carry out a demonstration project in Pine Bluff, Arkansas, for the relocation of railroad lines for the purpose of eliminating highway railroad grade crossings.

[(l) The Secretary of Transportation shall carry out a demonstration project in Sherman, Texas, for the relocation of rail lines in order to eliminate the ground level railroad crossing at the crossing of the Southern Pacific and Frisco Railroads with Grand Avenue-Roberts Road.

[(m) The Secretary of Transportation shall enter into such arrangements as may be necessary to carry out a demonstration project in Hammond, Indiana, for the relocation of railroad lines for the purposes of eliminating highway railroad grade crossings.

[(n) The Federal share payable on account of such projects shall be 95 per centum of the cost.

[(o) The Secretary shall make annual reports and a final report to the President and the Congress with respect to his activities pursuant to this section.

[(p) There is authorized to be appropriated to carry out this section (other than subsection (1)) not to exceed $15,000,000 for the fiscal year ending June 30, 1974, $25,000,000 for the fiscal year ending June 30, 1975, and $50,000,000 for the fiscal year ending June 30, 1976, $6,250,000, for the period beginning July 1, 1976, and ending September 30, 1976, $26,400,000 for the fiscal year ending September 30, 1977, $51,400,000 for the fiscal year ending September 30, 1978, $70,000,000 for the fiscal year ending September 30, 1979, and $90,000,000 for the fiscal year ending September 30, 1980, $100,000,000 for the fiscal year ending September 30, 1981, and $100,000,000 for the fiscal year ending September 30, 1982, except that not more than two-thirds of all funds authorized and expended under authority of this section in any fiscal year shall be appropriated out of the Highway Trust fund.

[(q) The Secretary, in cooperation with State Highway departments and local officials, shall conduct a full and complete investigation and study of the problem of providing increased highway safety by the relocation of railroad lines from the central area of cities on a nation-wide basis, and report to the Congress his recommendations resulting from such investigation and study not later than July 1, 1975, including an estimate of the cost of such a program. Funds authorized to carry out section 307 of title 23, United States Code, are authorized to be used to carry out the investigation and study required by this subsection.]

TITLE II

SHORT TITLE

SEC. 201. This title may be cited as the "Highway Safety Act of 1973".

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RAIL-HIGHWAY CROSSINGS

SEC. 203.

* * * * * * *

[(e) Each State shall report to the Secretary of Transportation not later than September 30, 1974, and not later than December 30 of each year thereafter, on the progress being made to implement the railroad-highway crossings program authorized by this section and the effectiveness of such improvements. Each State report shall contain an assessment of the costs of the various treatments employed and subsequent accident experience at improved locations. The Secretary of Transportation shall submit a report to the Congress not later than January 1, 1975, and not later than April 1, of each year thereafter, on the progress being made by the State in implementing projects to omprove railroad-highway crossings. The report shall include, but not be limited to, the number of projects undertaken, their distribution by

cost range, road system, nature of treatment, and subsequent accident experience at improved locations. In addition, the Secretary's report the progress being made by the State in implementing projects to imshall analyze and evaluate each State program, identify any State found not to be in compliance with the schedule of improvements required by subsection (a), and include recommendation for future implementation of the railroad-highway crossing program.]

FEDERAL-AID HIGHWAY ACT OF 1978

* * * * * * *

INTERSTATE SYSTEM RESURFACING

SEC. 105. [In addition to any other funds authorized to be appropriated, there is authorized to be appropriated, out of the Highway Trust Fund, not to exceed $175,000,000 per fiscal year for each of the fiscal years ending September 30, 1980 and September 30, 1981, and not to exceed $275,000,000 for the fiscal year ending September 30, 1982, not to exceed $800,000,000 for the fiscal year ending September 30, 1983, and not to exceed $800,000,000 for the fiscal year ending September 30, 1984. Such sums shall be obligated for projects for resurfacing, restoring, and rehabilitating those lanes on the Interstate System which have been in use for more than five years and which are not on toll roads, except that where a State certifys to the Secretary that any part of such sums are excess to the needs of such State for resurfacing, restoring or rehabilitating Interstate System lanes and the Secretary accepts such certification, such State may transfer sums apportioned to it under section 104(b)(5)(B) to its apportionment under section 104(b)(1). Such sums may also be obligated for projects for resurfacing, restoring, and rehabilitating lanes in use for more than five years on a toll road which has been designated as a part of the Interstate System if an agreement satisfactory to the Secretary of Transportation has been reached with the State highway department and any public authority with jurisdiction over such toll road prior to the approval of such project that the toll road will become free to the public upon the collection of tolls sufficient to liquidate the cost of the toll road or any bonds outstanding at the time constituting a valid lien against it, and the cost of maintenance and operation and debt service during the period of toll collections. The agreement referred to in the preceding sentence shall contain a provision requiring that if, for any reason, a toll road receiving Federal assistance under this section does not become free to the public upon collection of sufficient tolls, as specified in the preceding sentence, Federal funds used for projects on such toll road pursuant to this section shall be repaid to the Federal Treasury.] *In addition to any funds authorized to be appropriated, there is authorized to be appropriated out of the Highway Trust Fund, not to exceed $175,000,000 per fiscal year for each of the fiscal years ending September 30, 1980, and September 30, 1981, not to exceed $275,000,000 for the fiscal year ending September 30, 1982, not to exceed $800,000,000 for the fiscal year ending September 30, 1983, not to exceed $1,100,000,000 for the fiscal year ending September 30, 1984, not to exceed $1,600,000,000 for the fiscal year ending Septem-*

ber 30, 1985, not to exceed $1,600,000,000 for the fiscal year ending September 30, 1986, and not to exceed $2,100,000,000 for the fiscal year ending September 30, 1987. Such sums shall be obligated for projects for resurfacing, restoring, rehabilitating, and reconstructing routes of the Interstate System designated under sections 103 and 139(c) of title 23, United States Code (other than those on toll roads not subject to a Secretarial agreement provided for in section 105 of the Federal-Aid Highway Act of 1978), except that where a State certifies to the Secretary that any part of such sums are in excess of the needs of such State for resurfacing, restoring, rehabilitating, and reconstructing the Interstate System and the Secretary accepts such certification, such State may transfer sums apportioned to it under section 104(b)(5)(B) to its apportionment under section 104(b)(1) of title 23, United States Code. Such sums may also be obligated for projects for resurfacing, restoring, rehabilitating and reconstructing a toll road which has been designated as a part of the Interstate System if an agreement satisfactory to the Secretary of Transportation has been reached with the State highway department and any public authority with jurisdiction over such toll road prior to the approval of such project that the toll road will become free to the public upon the collection of tolls sufficient to liquidate the cost of the toll road or any bonds outstanding at the time constituting a valid lien against it, and the cost of maintenance and operation and debt service during the period of toll collections. The agreement referred to in the preceding sentence shall contain a provision requiring that if, for any reason, a toll road receiving Federal assistance under this section does not become free to the public upon collection of sufficient tolls, as specified in the preceding sentence, Federal funds used for projects on such toll road pursuant to this section shall be repaid to the Federal Treasury.

* * * * * * *

ACCELERATION OF BRIDGE PROJECTS

[SEC. 147. The Secretary of Transportation shall carry out two projects to construct or replace high traffic volume bridges located on the Federal-aid system and which traverse major bodies of water in order to demonstrate the feasibility of reducing the time required to replace unsafe bridges. One project shall demonstrate the feasibility of reducing the time required from the time of a request for project approval through completion of construction. The other project shall demonstrate the feasibility of reducing the time to complete construction of bridge projects on which all Federal environmental and navigational reviews and assessments have been completed. Not to exceed $54,000,000 of the amount authorized for the fiscal year ending September 30, 1979, by section 202(6) of the Highway Safety Act of 1978 to be apportioned under section 144(e) of title 23, United States Code, shall be set aside before any such apportionment and shall be available for obligation to carry out this section nto the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, except that such funds shall be available until expended. Such additional funds as may be necessary to complete the projects shall be set aside for such purpose from the

amount authorized for the fiscal year ending September 30, 1981, by section 202(6) of the Highway Safety Act of 1978 before any apportionment of such amount under section 144(e) of title 23, United States Code, and such funds shall be available for obligation in the same manner and to the same extent as funds set aside under authority of the preceding sentence. The Federal share of the projects authorized by this section shall be that provided in section 120(c) of title 23, United States Code. Not later than six months after completion of each such project, the Secretary of Transportation shall submit a report to Congress which includes, but is not limited to, a description of the methods used to reduce the time necessary for the completion of such bridge project, recommendations for applying such methods to other bridge projects, and any changes which may be necessary to existing laws to permit further reductions in the time necessary to complete bridge projects.]

[PUBLIC LAW 90–144

[90TH CONGRESS, H.R. 11627

[NOVEMBER 17, 1967

[AN ACT To amend the Act of June 16, 1948, to authorize the State of Maryland, by and through its State roads commission or the successors of said commission, to construct, maintain, and operate certain additional bridges and tunnels in the State of Maryland

[*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the first section of the Act of June 16, 1948 (62 Stat. 463, Public Law 654, Eightieth Congress) is amended by striking out "and (2)" and inserting in lieu thereof "(2)" and by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "(3) a bridge parallel to the existing Chesapeake Bay Bridge in the State of Maryland from a point in Anne Arundel County at or near Sandy Point to a point in Queen Annes County at or near Kent Island, and approaches, including connecting highways, thereto, (4) a bridge across or a tunnel under the Chesapeake Bay in the State of Maryland from a point in Baltimore County at or near Millers Island to a point in Kent County, or a combined bridge and tunnel at the same location, and approaches, including connecting highways, thereto, (5) a bridge across or a tunnel under the Chesapeake Bay in the State of Maryland from a point in Calvert County to a point in Dorchester County, or a combined bridge and tunnel at such location, and approaches, including connecting highways, thereto, and (6) an additional tunnel under or a bridge across the Patapsco River from a point at or near Hawkins Point in the city of Baltimore to a point at or near Sparrows Point in Baltimore County, and approaches, including connecting highways, thereto."

[SEC. 2. The first sentence of section 3 of such Act of June 16, 1948, is amended by striking out "either or both" at each of the two places where it appears and inserting in lieu thereof at such place "any one or more".

[Approved November 17, 1967.]

[PUBLIC LAW 654

[JUNE 16, 1948, 80TH CONGRESS

[AN ACT supplementing the Act entitled "An Act authorizing the State of Maryland, by and through its State Roads Commission or the successors of said commission, to construct, maintain, and operate certain bridges across streams, rivers, and navigable waters which are wholly or partly within the State", approved April 7, 1938

[*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the State of Maryland, by and through its State Roads Commission or the successors of said commission, is hereby authorized to construct, maintain, and operate, subject to the provisions of subsection (b) of section 502 of the General Bridge Act of 1946, (1) a bridge across or a tunnel under the Chesapeake Bay, in the State of Maryland, from a point in Anne Arundel County at or near Sandy Point to a point approximately opposite on Kent Island, or a combined bridge and tunnel at such location, and approaches thereto, and (2) a bridge across or a tunnel under the Patapsco River in the city of Baltimore from a point at or near the mouth of North West Branch to a point approximately opposite at or near Fairfield, and approaches thereto.

SEC. 2. The State of Maryland, by and through its State Roads Commission or the successors of said commission, is hereby authorized to fix and charge tolls in accordance with the laws of the State of Maryland for the use of each of the structures and facilities the construction of which is hereby authorized and to use such tolls in accordance with the laws of the State of Maryland for the purposes hereinafter provided.

[SEC. 3. The State of Maryland, by and through its State Roads Commission or the successors of said commission, may unite or group either or both of the bridges heretofore constructed in accordance with the provisions of the Act approved April 7, 1938 (52 Stat. 205), across the Susquehanna River and the Potomac River with either or both of the structures and facilities the construction of which is hereby authorized into one or more projects for financing purposes. The rates of tolls charged for the use of each of the structures or facilities so included in any such project shall be so adjusted in accordance with the provisions of said Act of April 7, 1938, as to provide in the aggregate a fund not to exceed an amount sufficient to pay the reasonable costs of maintaining, repairing, and operating all of the structures or facilities included in the project, and their approaches, under economical management, and to provide a sinking fund sufficient to amortize the aggregate cost of the structures or facilities hereby authorized included in the project, and their approaches, including the principal and interest on revenue bonds issued for financing such costs, and such portion of the aggregate cost not yet amortized of the said bridges across the Susquehanna River and the Potomac River included in the project, and their approaches, including reasonable interest and financing costs, as soon as possible under reasonable charges but within a period not exceeding forty years from the date of completion of the last completed structure or facility included in

the project. Within the afore-mentioned period of forty years, tolls may be charged and continued to be charged for the use of any of the structures or facilities included in any such project and adjusted at such rates as may be necessary to provide a fund sufficient to pay any revenue bonds, with interest thereon and any lawful premium for the retirement thereof before maturity, heretofore or hereafter issued for the financing of such project or any of the structures or facilities included therein, or for the refunding from time to time of said bonds, or any of them, or of any such refunding bonds. Nothing in this Act shall be considered as authorizing tolls to be charged for the use of any one or more of the hereinabove named structures or facilities for the purpose of financing any structure or facility not authorized by this Act and by said Act of April 7, 1938.

[SEC. 4. After a sinking fund sufficient to amortize the cost of the structures or facilities in any such project and sufficient to pay the principal and interest and any lawful retirement premium on revenue bonds issued as aforesaid with respect to such project shall have been so provided the structures or facilities included in such project shall be maintained and operated free of tolls.

[SEC. 5. The right to alter, amend, or repeal this Act is hereby expressly reserved.

[Approved June 16, 1948.]

[PUBLIC LAW 472

[75TH CONGRESS

[APRIL 7, 1938

AN ACT authorizing the State of Maryland, by and through its State Roads Commission or the successors of said commission, to construct, maintain, and operate certain bridges across streams, rivers, and navigable waters which are wholly or partly within the State

[*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That in order to promote interstate commerce, improve the postal service, and provide for military and other purposes, the State of Maryland by and through its State Roads Commission or the successors of said commission be, and is hereby, authorized to construct, maintain, and operate any or all of the following bridges and approaches thereto, at points suitable to the interests of navigation, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act, to wit:

[A bridge across the Potomac River from a point in Charles County at or near Ludlows Ferry to a point approximately opposite in the State of Virginia near Dahlgren and Colonial Beach.

[A bridge across the Chesapeake Bay from a point in Baltimore County at or near Millers Island to a point approximately opposite in Kent County at or near Tolchester; or, as an alternate thereto, a bridge across the Chesapeake Bay or a tunnel under or a combined

bridge and tunnel from a point in Anne Arundel County at or near Annapolis to a point approximately opposite on Kent Island.

[A bridge across the Susquehanna River from a point in Cecil County at or near Perryville to a point approximately opposite in Harford County at or near Havre de Grace.

[A bridge across or a tunnel under the Patapsco River south of the City of Baltimore from a point at or near the mouth of North West Branch to a point approximately opposite at or near Fairfield.

[The construction of any tunnel, or combined bridge and tunnel, authorized by this Act shall not be built or commenced until the plans and specifications for its construction, together with such drawings of the proposed construction and such map of the proposed location as may be required for a full understanding of the subject, have been submitted to the Secretary of War and Chief of Engineers for their approval, nor until they shall have approved such plans and specifications and the location of such tunnel and accessory works.

[The times for commencing and completing the construction of any of the structures authorized by this section, shall expire three and five years, respectively, from the date of approval hereof.

[The word "bridge" or "bridges" as hereinafter used in this Act shall be deemed to include and to apply to the tunnel or the combined bridge and tunnel at or near Annapolis or to the tunnel under the Patapsco River or to both.

[The authority herein granted to construct, maintain, and operate any of the foregoing bridges shall not be deemed to be exclusive or to repeal the authority heretofore granted to any other corporation, public board, or agency to construct a bridge at the same location.

[SEC. 2. There is hereby conferred upon the State of Maryland and its State Roads Commission or the successors of said commission all such rights and powers to enter upon land and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, maintenance, and operation of any or all such bridges and their approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in condemnation or expropriation of property for public purposes in such State.

[SEC. 3. The State of Maryland, by and through its State Roads Commission or the successors of said commission is hereby authorized to fix and charge tolls for transit over any or all such bridges and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the Act of March 23, 1906.

[SEC. 4. The State of Maryland, by and through its State Roads Commission or the successors of said commission, may unite or group all or such of said bridges into one or more separate projects for financing purposes as in its judgment shall be deemed practicable. If tolls are charged for the use of a bridge or bridges in a project, the rates of

toll to be charged for the use of such bridge or bridges embraced in the particular project shall be so adjusted as to provide a fund not to exceed an amount sufficient to pay the reasonable costs of maintaining, repairing, and operating the bridge or all of the bridges included in the particular project and their approaches under economical management, and not to exceed an amount sufficient in addition to the foregoing, to provide a sinking fund sufficient to amortize the aggregate cost of the bridge or all of the bridges embraced in the particular project, and their approaches, including reasonable interest and financing costs, as soon as possible under reasonable charges, but within a period not exceeding forty years from the completion of such bridge or from the date of completion of the last completed bridge in the particular project. The tolls derived from the bridge or bridges embraced in any particular project may be continued and paid into the appropriate sinking fund until all such costs of the bridge or bridges embraced in the particular project shall have been amortized. In any event, tolls may be charged on the basis aforesaid for transit over the bridge or bridges in each project for which revenue bonds of said State are issued, and such tolls may be continued and adjusted at such rates as may be necessary to pay such bonds with interest thereon and any lawful premium for the retirement thereof before maturity, subject only to the power of the Secretary of War or other authorized Federal authority to regulate such rates.

[SEC. 5. The failure of the State of Maryland, by and through its State Roads Commission, to construct, maintain, and operate any one or more of the foregoing bridges, or to unite or group any two or more for financing purposes, shall in no wise affect its authority or powers hereby granted to construct, maintain, and operate such bridge or bridges as it may deem expedient, and any one of the bridges herein authorized may be constructed, maintained, and operated as a single project without uniting such bridge in a joint project with other bridges authorized herein.

[SEC. 6. After a sinking fund sufficient to amortize the cost of any bridge or bridges in any particular project or group or sufficient to pay the principal and interest on bonds issued for the purpose of financing such particular bridge or bridges or project or group shall have been provided to the extent hereinbefore required, the bridge or bridges included in any such project or group shall thereafter be maintained and operated free of tolls: *Provided*, *however*, That tolls for the use of any such bridge or bridges may be continued thereafter in the event that such tolls shall have been pledged by the State Roads Commission to the payment of revenue bonds issued for any other bridge or bridges the construction of which is authorized herein. An accurate record of the cost of each bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

[SEC. 7. The powers conferred by this Act are supplementary and additional to all other authority and powers heretofore granted by law for the construction of the hereinbefore-named bridges, but all Acts or parts of Acts heretofore enacted, authorizing the construction

of the hereinbefore-named bridges (except as applied to any bridge over the Potomac River) which are in conflict with the terms of this Act be, and the same are, hereby repealed insofar as such conflict exists. Nothing in this Act shall be construed as authorizing tolls to be charged for the use of any one or more of the hereinbefore-named bridges except as hereinabove provided, and nothing herein shall be construed so as to prohibit the State of Maryland from paying all or any part of the costs of the construction of any one or more of such bridges or their approaches, and any and all bonds issued for such purposes, from any funds of the State which may now or hereafter be made available for that purpose.

[SEC. 8. The right to alter, amend, or repeal this Act is hereby expressly reserved.

[Approved, April 7, 1938.]

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